Memorandum Date:	November 23, 2015
Meeting Date:	December 1, 2015

TO:	Board of County Commissioners
DEPARTMENT:	Public Works, Land Management Division
PRESENTED BY:	Mark Rust, Associate Planner
AGENDA ITEM TITLE:	FIRST READING AND SETTING THE SECOND READING AND PUBLIC HEARING/Ordinance No. 15-08: In The Matter of Amending Lane Code Chapters 10 and 16, to Add Provisions for Regulation of Recreational Marijuana and Declaring an Emergency. (File No. 509-PA15-05687) (PM & NBA 9/15/15, 11/3/15)

I. Move the first reading and set the second reading and public hearing for Ordinance No. 15-08 for December 15, 2015 at 1:30 p.m., in Harris Hall.

II. AGENDA ITEM SUMMARY

The Land Management Division (LMD) is requesting that the Board consider the first reading and set the second reading and public hearing for December 15, 2015.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In November of 2014, Oregon voters adopted Measure 91, legalizing the growing, distribution, possession and use of marijuana for non-medical use. In 2015, the state Legislature made comprehensive reforms to Measure 91 and addressed issues of local control. Specifically related to land use considerations, the Legislature adopted HB 3400 and SB 460. HB 3400 includes land use considerations for regulating recreational marijuana uses, and SB 460 authorizes early sales of recreational marijuana by medical marijuana dispensaries.

On September 15, 2015 staff brought to the Board some issues to consider in regard to implementing the new State of Oregon marijuana regulations. At this meeting the Board directed staff to pursue a “light touch” of

regulations to mitigate impacts from new marijuana uses. The Board also directed staff to look at other states, including Colorado and Washington, to see what regulations had been put in place.

On November 3, 2015, the Board was presented additional information and staff asked for more specific direction in regard to proceeding with adoption of provisions to regulate recreational marijuana.

On November 17, 2015 the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed regulations. At this meeting the Planning Commission adopted a motion recommending that the Board adopt the proposed regulations.

The Planning Commissions motion approved a recommendation to approve the proposed ordinance language with a clarification that the regulations will only apply to commercial recreational marijuana, and not to personal use or medical use of marijuana. Additionally, the LCPC recommends that the County review the regulations in six months and one year from now.

B. Policy Issues

The policy issues related to land use and recreational marijuana focus primarily around impacts from the new uses and how to mitigate these impacts. Primarily the policy direction has been to not allow any new commercial recreational marijuana uses in rural residential zones, as these are the areas with the greatest potential to create undesirable impacts to the largest number of residents due to the density of single family dwellings found in rural residential areas.

Policy considerations include allowing or encouraging the commercial recreational marijuana uses in Farm, Forest, and Industrial zones to offset the prohibition in the Rural Residential zone.

Mitigation standards to address potential impacts have been drafted and recommended for approval by staff and the LCPC.

C. Board Goals

Priority 1 of the County's Strategic Plan is "Safe and Healthy County". This matter could be found to relate to objective 1.2 from the Strategic Plan, to "Improve the health of our communities". Additionally, one of the strategies under Objective 1.3 is to "Support existing partnerships and foster new partnerships and collaborations to improve health and safety in our communities". One of the tactics under this strategy is to "Support new opportunities to work collaboratively with our community partners on health and safety issues".

Another area of the Strategic Plan that could be found to relate to this matter is Priority 2, Vibrant Communities. Objective 2.1 is to "Invest in a strong, diverse, and sustainable regional economy". One of the strategies under this goal is to "Promote ways to make it easier to do business in Lane County". Implementation of clear regulations around marijuana businesses could help make it easier to conduct business in Lane County.

D. Financial and/or Resource Considerations

Taking action on this item was contemplated as part of the Land Management Divisions 2015 Long Range Planning (LRP) work program that was approved by the Board.

In their approve motion and recommendation to the BCC, the LCPC recommends revisiting the issues around the regulations for commercial recreational marijuana in six months and a year. The currently approved Long Range Planning work program is for the period of time ending on June 30, 2016. Any additional work by LRP staff beyond this date would have to be prioritized in the LRP work program for the 2016-2017 fiscal year.

E. Health Implications

Any significant health implications related to the implementation of the new recreational marijuana rules are unknown to Land Management Division staff at this time. It is possible that there could be health implications to the public from implementing rules to allow marijuana uses. These implications would have to be assessed and/or evaluated at a later time by a person qualified to make such a health assessment.

F. Analysis

Staff has analyzed rules from jurisdictions in other states as directed by the Board in September as well as many draft regulations from multiple county jurisdictions in Oregon. Within the different jurisdictions analyzed there is a wide variety of regulations, from a minimal regulatory approach to a highly restrictive approach.

This wide spectrum of identified rules, along with other possible regulatory strategies were considered in drafting the regulations for Lane County.

The drafted regulations and Table that summarizes how the uses are proposed to be allowed in certain zoning districts is included in Attachment 1.

Applicable Criteria

The proposed amendments are subject to the applicable criteria identified in Lane Code 10.315-20, 12.005, 12.050, and 16.252(2).

10.315-20 Criteria.

Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the Zone District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

The proposed amendments in Lane Code Chapter 10 to prohibit all of the recreational marijuana uses do not impair the general purpose of Lane Code Chapter 10. The proposed amendments update implementing regulations and follow the laws determined by State of Oregon to best promote the will of the people, and therefore the public interest. Adoption of the proposed amendments will bring the implementing regulations into compliance with state law, will promote consistency at the local level with the applicable state laws, and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

LC 12.005 Purpose.

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

The proposed amendments do not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County. The proposed amendments update implementing regulations and follow the laws determined by State of Oregon to best promote the will of the people. Adoption of the proposed amendments will bring the implementing regulations into compliance with state law, will promote consistency at the local level with the applicable state laws, and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such

plan shall be by an ordinance.

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

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

(a) an error in the plan; or

(b) changed circumstances affecting or pertaining to the plan; or

(c) a change in public policy; or

(d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.

The proposed amendments implement changes to state law and, as such, meet this provision under (b), (c), and (d) above upon adoption by the Board.

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

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

The proposed amendments implement changes to state law and help implement the Lane County Rural Comprehensive Plan and Lane Code Chapter 16. The proposed amendments will provide consistency with state law. The proposed amendments are not contrary to the public interest in that they implement the laws determined by the State of Oregon to best promote the will of the people.

G. Alternatives/Options

The Board is being asked adopt the new zoning rules to implement commercial recreational marijuana regulations.

Alternatively the Board could not adopt the proposed regulations. The Board could direct staff to revise the proposed language.

IV. RECOMMENDATION

It is recommended that the Board consider the first reading of the new regulations for commercial recreational marijuana uses, and set the second reading and public hearing for December 15, 2015.

V. TIMING/IMPLEMENTATION/FOLLOW UP

Timing of creating new regulations to implement state law is critical. Having new regulations in place prior to the new state laws taking effect on January 4, 2016 is necessary to avoid creating impacts from potential new uses under our existing zoning regulations.

Staff is working diligently and expeditiously to move through the process to get new regulations in place prior to the end of the calendar year. However, given requirements for notice, public hearings, and ordinance adoption process, meeting the tight timeline will only be possible if the Board acts on December 15th.

If the Board considers the first reading without any changes, staff will return to the BCC for the second reading and public hearing on December 15th.

VI. ATTACHMENTS

Attachment 1 – Summary of proposed code changes

Attachment 2 – Ordinance No. 15-08

Attachment 3 – Legislative code changes

Summary of proposed code changes to implement new Recreational Marijuana regulations

Chapter 10, Lane County Zoning Ordinance (only applicable inside Urban Growth Boundaries (UGB's) of small cities, for lands not annexed to city limits).

1. **Add the following language to Lane Code Ch 10, to create a new section, LC 10.025-55, to prohibit all marijuana uses.**

   10.025-55 Prohibited uses.

   The following marijuana uses, as these terms are defined in Lane Code 16.090 are prohibited in all zoning districts of Lane Code Chapter 10.
   a. *Marijuana processing*
   b. *Marijuana production*
   c. *Marijuana research*
   d. *Marijuana retail sales*
   e. *Marijuana testing laboratory*
   f. *Marijuana wholesale distribution*

Chapter 16, Lane County Land Use and Development Code.

1. **Add the following language to LC 16.090, Definitions, to define the new commercial recreational marijuana uses.**

   Where specific terms are not defined relating to marijuana and commercial recreational marijuana uses 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.

   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))

   Marijuana processing. A use where a marijuana processor processes marijuana. (NEW Lane Co. def.)

   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.*

Marijuana production. (NEW Lane Co. def.)

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) ~~*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.*~~

f) *For the purpose of this definition the term "<u>produces</u>" means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))*

   i. *The definition of "produces" does not include:*

      1. *Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.*
      2. *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.*

g) *For the purpose of this definition the term "<u>marijuana producer</u>" means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))*

<u>Marijuana research</u>. 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. (New Lane Co. def.)

<u>Marijuana retail sales</u>. A use where marijuana is bought and sold by a marijuana retailer. (New Lane Co. def.)

a) *For the purpose of this definition the term "<u>marijuana retailer</u>" means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))*

<u>Marijuana testing laboratory</u>. 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. (NEW Lane Co. def.)

<u>Marijuana wholesale distribution</u>. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling. (NEW Lane Co. def.)

a) *For the purpose of this definition the term "<u>marijuana wholesaler</u>" 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))*

2. **Make the appropriate changes to the different sections of Lane Code Chapter 16 to specify the following allowed uses.**

Table 1

			Forest zones (F-1 & F-2) *(LC 16.210 & 16.211)*	*Farm zone (EFU)* *(LC 16.212)*	*Commercial zones (RC)* *(LC 16.291)*	*Industrial zones (RI, GI, LI)* *(LC 16.280 & 16.292)*	*Residential and all other base zones not listed in this table*
	OLCC License / Certificate Type	**Use**					
1.	**Producer (grower) license** (Farm use)	**Marijuana Production**	Allowed outright as a farm use.	Allowed outright as a farm use.	Tier 1: Allowed/Discretionary – Special Use Permit Required.	Allowed/Discretionary - Special Use Permit Required	Prohibited
2.	**Processor license**	**Marijuana Processing**	Prohibited	Discretionary -Special Use Permit Required***	Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required	Prohibited
3.	**Wholesaler license**	**Marijuana Wholesale Distribution**	Allowed outright under the definition of farm use.	Allowed outright under the definition of farm use.	Prohibited	Allowed/Discretionary -Special Use Permit Required	Prohibited
4.	**Retail license**	**Marijuana Retail Sales**	Prohibited	Prohibited	Allowed/Discretionary – Special Use Permit Required *	Allowed/Discretionary -Special Use Permit Required*,**	Prohibited
5.	**Laboratory License**	**Marijuana Laboratory Operations**	Prohibited	Prohibited	Allowed/Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
6.	**Research Certificate**	**Marijuana Research**	Allowed in conjunction with a farm use	Allowed in conjunction with a farm use	Prohibited	Allowed/Discretionary -Special Use Permit Required**	Prohibited

LUCS = Land Use Compatibility Statement.
* 1000 foot separation from schools.
** Size limitation of LC 16.292(3)(b) apply.
*** Subject to limits of LC 16.212(4)(h)

3. **Create a new section of Lane Code Chapter 16, 16.420, to provide specific standards for marijuana uses.**

16.420 Recreational Marijuana Use Standards

(1) Purpose. The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health, safety and welfare of the community while at the same time allowing for these marijuana uses. Any marijuana use is subject to Oregon Laws.

(2) Applicability. Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.

a. Marijuana uses are allowed as summarized in Table1, below, and as specified in each applicable code section.
b. Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.
c. Prohibited farm uses. In accordance with Chapter 614, Oregon Laws 2015, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:

i. A new dwelling used in conjunction with a marijuana crop;
ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and
iii. A commercial activity, as described in ORS 215.213(2)(c) or 2125.283(2)(a), carried on in conjunction with a marijuana crop.

(3) Process: Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in

conformance with Lane Code 14.050(1) and include a scaled site plan depicting the subject and surrounding properties is sufficient detail to demonstrate compliance with the standards in LC 16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.

~~(3)~~(4) Special Standards. Marijuana uses are subject to the following standards and criteria:

a. Setbacks.

i. Outdoor production. Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.

ii. Indoor production. Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.

~~a. Minimum Yard Depth. Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.~~

~~b. Setback. Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.~~

~~c.~~b. Ventilation and air filtration. Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with a carbon filtration or other ventilation system in conformance with the standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County ~~Land Management~~Planning Director.

i. The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.

~~i.~~ii. The system must consist of one or more fans and filters.

~~ii.~~iii. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.

~~iii.~~iv. Carbon or activated charcoal filter(s) must be used in the ventilation system and must filter all of the ventilated air. The

filter(s) must be rated for the required CFM as calculated in ii above.

~~iv.~~v. The filters must be maintained or replaced in conformance with the manufactures specifications.

~~v.~~vi. The filtration system, including the filters, must be maintained in working order and must be in use.

vii. The opening for any exterior exhaust vent for the ventilation system must:

1. *Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.*
2. *Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.*

viii. An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.

~~vi. An alternative ventilation control system is permitted if the applicant submits a report, stamped by a mechanical engineer that is currently licensed in the State of Oregon, that demonstrates the alternative system will filter the air as well or better than the carbon filtration system otherwise required.~~

~~vii. The opening for any exterior exhaust vent for the ventilation system must be located on the side of the building furthest away from any dwelling on an adjacent property, or the direction of the opening for the exterior exhaust vent must be oriented at least 45 degrees away from any dwelling located on an adjoining property that is within 1000 feet of the opening for the exterior exhaust vent.~~

~~If it is not possible to meet the above criterion, then the direction of the opening for the exterior exhaust vent must be oriented vertically or in the direction that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling within 1000 feet of the opening for the exterior exhaust vent.~~

~~d.~~c. Lighting. A lighting plan showing the location and design of any and all lighting fixtures associate with the use and how the light fixtures

will be screened or shielded in conformance with the following standards must be submitted to the Lane County ~~Land Management Division~~Planning Director.

i. Light cast by light fixtures associated with a marijuana production or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.

ii. Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.

iii. Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must not shine, or direct illumination or glare onto adjacent properties.

~~c.~~d. Noise. Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.

~~f.~~e. Marijuana processing. Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.

~~g.~~f. Marijuana testing laboratory. A marijuana testing laboratory use must be conducted entirely indoors.

~~h.~~g. Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 15-08

IN THE MATTER OF AMENDING LANE CODE CHAPTERS 10 AND 16 TO ADD PROVISIONS FOR REGULATION OF RECREATIONAL MARIJUANA AND DECLARING AN EMERGENCY

WHEREAS, certain changes to Lane Code Chapters 10 and 16 are desired to add provisions for regulation of commercial uses in connection with recreational marijuana; and

WHEREAS, updating Lane Code Chapters 10 and 16 will implement regulations relating to commercial uses of recreational marijuana.

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

1. Lane Code Chapters 10 and 16 are amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS	**INSERT THESE SECTIONS**
n/a	10.025-55
16.090	16.090
16.210	16.210
16.211	16.211
16.212	16.212
16.280	16.280
16.291	16.291
16.292	16.292
n/a	16.420

2. 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 is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

3. An emergency is hereby declared to exist and this ordinance, being enacted by the Board in the 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 immediately.

ENACTED this ___ day of_____, 2015.

APPROVED AS TO FORM

Date_____

_____

LANE COUNTY OFFICE OF LEGAL COUNSEL

_____

Jay Bozievich, Chair
Lane County Board of Commissioners

_____

Recording Secretary for this Meeting of the Board

Lane Code
CHAPTER 10 CONTENTS

GENERAL PROVISIONS
10.025-05 Policy Interpretations by Planning Commission.
10.025-10 Administrative Responsibilities of Planning Director.
10.025-15 Appeal of Interpretations and Enforcement to Board of Commissioners.
10.025-20 Public Hearing Rules of Conduct.
10.025-25 General Public Hearing Notice Provisions.
10.025-30 Minimum Requirements.
10.025-35 Conformance and Permits Required.
10.025-40 Effective Filing Date of Applications and Requests.
10.025-45 Notices of Appeal.
10.025-50 Scenic Byway/Tour Route Off-Premise Sign Requirements.
10.025-55 Prohibited Uses.
10.090 Compliance with LC Chapter 15, Roads.
10.095 Districts.
EXCLUSIVE FARM USE DISTRICT (EFU)
10.100-05 Purpose.
10.100-10 Uses.
10.100-12 Review Process.
10.100-20 Conflicting Provisions.
10.100-23 Setback Requirements.
10.100-30 Land Division Requirements.
10.100-40 Land Units.
10.100-45 Nonconforming Uses and Use of Preexisting Parcels.
10.100-50 Applications.
10.100-95 Telecommunication Towers.

10.025-05 Policy Interpretations by Planning Commission.
It shall be the duty of the Planning Commission, in addition to those matters specifically provided in this chapter, to interpret matters of policy with respect to this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-10 Administrative Responsibilities of Planning Director.
It shall be the duty of the Planning Director, in addition to those matters specifically provided or except where specifically provided otherwise in this chapter to:

(1) Administer and interpret the provisions and requirements of this chapter.

(2) Maintain unofficial zoning maps indicating the current zoning districts. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-15 Appeal of Interpretations and Enforcement to Board of Commissioners.
It shall be the duty of the Board of Commissioners, when not otherwise expressly provided in this chapter, to hear and decide written appeals when it is alleged there is error or omission by the Planning Commission, Planning Director. Chief Building Inspector, or other administrative official in the interpretation and enforcement of this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-20 Public Hearing Rules of Conduct.
The Board of Commissioners and Planning Commission may establish their own rules for the conduct of their respective public hearings required by this chapter or other law. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-25 General Public Hearing Notice Provisions.
In addition to the specific requirements provided in this chapter for public hearing notice, the following general provisions shall apply:

(1) Continuation. Any public hearing may be continued by oral pronouncement prior to the close of such hearing, if notice of the time and place thereof is publicly announced at the hearing or is given in the same manner as required for the first public hearing, and such announcement shall serve as sufficient notice of such continuance to all interested persons.

(2) Rescheduling. In the event any meeting of the Board of Commissioners or Planning Commission at which a public hearing has been advertised must be rescheduled due to an emergency situation, the rescheduling of the meeting shall constitute sufficient notice of a public hearing provided the following minimum procedures are observed:

(a) Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting.

(b) Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.

(3) Additional Notice. The requirements of this chapter for public hearing notice shall not restrict additional notification considered necessary or desirable by the

Board of Commissioners, Planning Commission, or Planning Director for any reason. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-30 Minimum Requirements.
In interpreting and applying the provisions of this chapter, such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, and welfare, therefore, where this chapter imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than those imposed or required by other laws, ordinances, rules, or regulations, the provisions of this chapter shall control. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-35 Conformance and Permits Required.
No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located, and there only after proper application for and securing of all permits and licenses required by all applicable State and local laws. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-40 Effective Filing Date of Applications and Requests.
All applications and requests provided in this chapter shall be deemed filed upon the submission of all the information, materials, and fees required by this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-45 Notices of Appeal.
When a written appeal is filed pursuant to the provisions of LC Chapters 9, 10, 11, 13, 14 or 15, to appeal a decision to the Hearings Official, the failure of the appeal to state the manner in which the applicable criteria were erroneously applied shall not deprive the Hearings Official of jurisdiction over the appeal and the Hearings Official may proceed to hear the matter. The Hearings Official may dismiss the appeal, or make other appropriate disposition, upon a finding of substantial prejudice as a result of the failure of the appeal to include a statement of error. *(Revised by Ordinance No. 10-78, Effective 7.7.78; 5-81, 4.8.81)*

10.025-50 Scenic Byway/Tour Route Off-Premise Sign Requirements.
New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 10.025-50, below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(1) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 10-99, Effective 1.15.00)*

10.025-55 Prohibited uses.

The following marijuana uses, as these terms are defined in Lane Code 16.090 are prohibited in all zoning districts of Lane Code Chapter 10.

1. Marijuana processing
2. Marijuana production
3. Marijuana research
4. Marijuana retail sales
5. Marijuana testing laboratory
6. Marijuana wholesale distribution

CHAPTER 10 CONTENTS

GENERAL PROVISIONS

10.025-05	Policy Interpretations by Planning Commission.
10.025-10	Administrative Responsibilities of Planning Director.
10.025-15	Appeal of Interpretations and Enforcement to Board of Commissioners.
10.025-20	Public Hearing Rules of Conduct.
10.025-25	General Public Hearing Notice Provisions.
10.025-30	Minimum Requirements.
10.025-35	Conformance and Permits Required.
10.025-40	Effective Filing Date of Applications and Requests.
10.025-45	Notices of Appeal.
10.025-50	Scenic Byway/Tour Route Off-Premise Sign Requirements.
10.025-55	Prohibited Uses.
10.090	Compliance with LC Chapter 15, Roads.
10.095	Districts.

EXCLUSIVE FARM USE DISTRICT (EFU)

10.100-05	Purpose.
10.100-10	Uses.
10.100-12	Review Process.
10.100-20	Conflicting Provisions.
10.100-23	Setback Requirements.
10.100-30	Land Division Requirements.
10.100-40	Land Units.
10.100-45	Nonconforming Uses and Use of Preexisting Parcels.
10.100-50	Applications.
10.100-95	Telecommunication Towers.

GENERAL PROVISIONS

10.025-05 Policy Interpretations by Planning Commission.
It shall be the duty of the Planning Commission, in addition to those matters specifically provided in this chapter, to interpret matters of policy with respect to this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-10 Administrative Responsibilities of Planning Director.
It shall be the duty of the Planning Director, in addition to those matters specifically provided or except where specifically provided otherwise in this chapter to:

(1) Administer and interpret the provisions and requirements of this chapter.

(2) Maintain unofficial zoning maps indicating the current zoning districts. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-15 Appeal of Interpretations and Enforcement to Board of Commissioners.
It shall be the duty of the Board of Commissioners, when not otherwise expressly provided in this chapter, to hear and decide written appeals when it is alleged there is error or omission by the Planning Commission, Planning Director. Chief Building Inspector, or other administrative official in the interpretation and enforcement of this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-20 Public Hearing Rules of Conduct.
The Board of Commissioners and Planning Commission may establish their own rules for the conduct of their respective public hearings required by this chapter or other law. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-25 General Public Hearing Notice Provisions.
In addition to the specific requirements provided in this chapter for public hearing notice, the following general provisions shall apply:

(1) Continuation. Any public hearing may be continued by oral pronouncement prior to the close of such hearing, if notice of the time and place thereof is publicly announced at the hearing or is given in the same manner as required for the first public hearing, and such announcement shall serve as sufficient notice of such continuance to all interested persons.

(2) Rescheduling. In the event any meeting of the Board of Commissioners or Planning Commission at which a public hearing has been advertised must be rescheduled due to an emergency situation, the rescheduling of the meeting shall constitute sufficient notice of a public hearing provided the following minimum procedures are observed:

(a) Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting.

(b) Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.

(3) Additional Notice. The requirements of this chapter for public hearing notice shall not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Planning Director for any reason. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-30 Minimum Requirements.
In interpreting and applying the provisions of this chapter, such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, and welfare, therefore, where this chapter imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than those imposed or required by other laws, ordinances, rules, or regulations, the provisions of this chapter shall control. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-35 Conformance and Permits Required.
No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located, and there only after proper application for and securing of all permits and licenses required by all applicable State and local laws. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-40 Effective Filing Date of Applications and Requests.
All applications and requests provided in this chapter shall be deemed filed upon the submission of all the information, materials, and fees required by this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.025-45 Notices of Appeal.
When a written appeal is filed pursuant to the provisions of LC Chapters 9, 10, 11, 13, 14 or 15, to appeal a decision to the Hearings Official, the failure of the appeal to state the manner in which the applicable criteria were erroneously applied shall not deprive the Hearings Official of jurisdiction over the appeal and the Hearings Official may proceed to hear the matter. The Hearings Official may dismiss the appeal, or make other appropriate disposition, upon a finding of substantial prejudice as a result of the failure of the appeal to include a statement of error. *(Revised by Ordinance No. 10-78, Effective 7.7.78; 5-81, 4.8.81)*

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CHAPTER 16 CONTENTS

16.090 Definitions.
16.095 Compliance With LC Chapter 15, Roads.

DEVELOPMENTAL APPROVAL PROCEDURES
16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.

16.090 Definitions.

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

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.

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

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

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

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

Agriculture. Synonymous with definition of "farm use."

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

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

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

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

(iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(iv) Dairying and the sale of dairy products;

(v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(b) "Agricultural building" does not include:

(i) A dwelling;

(ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;

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

(iv) A structure used by the public; or

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

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

(i) Stabling or training equines; or

(ii) Riding lessons and training clinics;

(d) "Equine facility" does not include:

(i) A dwelling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is located on the same tract as a Winery, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery.

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

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

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

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

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS Chapter 459 or459A;

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

(7) Wastewater solids; or

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

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

Board. Board of County Commissioners of Lane County.

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

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

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

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

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

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

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

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

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

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

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

Building. The terms "building" and "structure" 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. Air-supported Structures, Membrane Structures, and Tents, as defined in the Oregon State Fire Code that are erected for a period of less than 180 days and are regulated by the Oregon State Fire Code are not considered buildings. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings.

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

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

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

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

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

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

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums

and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

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

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

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

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

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

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

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

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

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

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

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

Cultured Christmas Trees. Means trees:

(1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(2) Of a marketable species;

(3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

(1) Farmland, the operation or use of which is subject to any farm-related government program;

(2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;

(4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);

(8) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(3) or 321.824(3); and

(11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:

(a) Only the crops of the landowner are being processed;

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

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

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

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

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

Department. The Lane County Department of Public Works.

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

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

(1) The limits of dredging precision which causes "overdepth"; and

(2) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

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

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

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

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

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

(1) "Disposal site" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

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

(1) Historically significant.

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

The above sites are also identified separately in LM 11.300.

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

Hydraulic. Related to the movement or pressure of water.

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

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

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

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

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

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

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

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

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

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

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

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

Lawfully Established Unit of Land.

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

(2) Another unit of land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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))

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.

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:

1. Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

2. 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))

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.

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))

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.

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))

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are

characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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

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

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

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

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

Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

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

natural historical, scientific, or paleontological features, or for the appreciation of natural features.

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

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

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

100 Year Flood. See "Base Flood".

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

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

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

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

Parcel.

(1) Includes a unit of land created:

(a) by partitioning land as defined in LC 16.090,

(b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or

(c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any County official.

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

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

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

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

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

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck.

The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

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

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

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

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

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

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

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

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

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

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

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

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

Rural Land. Land outside urban growth boundaries that is:

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

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

(3) In an unincorporated community.

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

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

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

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

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

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

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

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

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

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

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

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

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

Tract.

(1) A lot or parcel as defined in LC 16.090.

(2) 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.

Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

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

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

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

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

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

(a) "Access" means physical contact with or use of the water;

(b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

(c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

(e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) "Water-borne transportation" means use of water access:

(i) Which are themselves transportation (e.g., navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

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

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f) Recreational. Recreational marinas, boat ramps and support.

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

Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result

in public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

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

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

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

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

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

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14)*

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

DEVELOPMENTAL APPROVAL PROCEDURES
RURAL COMPREHENSIVE PLAN

16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.
Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

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

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

CHAPTER 16 CONTENTS

16.090 Definitions.
16.095 Compliance With LC Chapter 15, Roads.

DEVELOPMENTAL APPROVAL PROCEDURES
16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.

16.090 Definitions.

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

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

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

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

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

Agriculture. Synonymous with definition of "farm use."

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

(a) “Agricultural building” means a structure located on a farm or forest operation and used for:

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

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

(iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(iv) Dairying and the sale of dairy products;

(v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(b) “Agricultural building” does not include:

(i) A dwelling;

(ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;

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

(iv) A structure used by the public; or

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

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

(i) Stabling or training equines; or

(ii) Riding lessons and training clinics;

(d) "Equine facility" does not include:

(i) A dwelling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is located on the same tract as a Winery, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery.

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

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

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

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

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS Chapter 459 or459A;

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

(7) Wastewater solids; or

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

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

Board. Board of County Commissioners of Lane County.

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

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

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

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

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

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

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

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

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

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

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

Building. The terms "building" and "structure" 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. Air-supported Structures, Membrane Structures, and Tents, as defined in the Oregon State Fire Code that are erected for a period of less than 180 days and are regulated by the Oregon State Fire Code are not considered buildings. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cultured Christmas Trees. Means trees:

(1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(2) Of a marketable species;

(3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

(1) Farmland, the operation or use of which is subject to any farm-related government program;

(2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;

(4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);

(8) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(3) or 321.824(3); and

(11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:

(a) Only the crops of the landowner are being processed;

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

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

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

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

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

Department. The Lane County Department of Public Works.

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

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

(1) The limits of dredging precision which causes “overdepth”; and

(2) The practice, where approved by the Corps of Engineers, of “advanced maintenance” overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

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

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

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

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

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

by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(1) "Disposal site" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

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

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

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

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

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

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

Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or

owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

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

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

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

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

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

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

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

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

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

(1) Historically significant.

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

The above sites are also identified separately in LM 11.300.

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

Hydraulic. Related to the movement or pressure of water.

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

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

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any

and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

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

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

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

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

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

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

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

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

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

Lawfully Established Unit of Land.

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

(2) Another unit of land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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))

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.

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:

1. Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

2. 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))

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.

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))

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.

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))

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

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

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

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

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

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

Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

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

natural historical, scientific, or paleontological features, or for the appreciation of natural features.

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

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

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

100 Year Flood. See "Base Flood".

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

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

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

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

Parcel.

(1) Includes a unit of land created:

(a) by partitioning land as defined in LC 16.090,

(b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or

(c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any County official.

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

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

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

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

manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.

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

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

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

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

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

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

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

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

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

Rural Land. Land outside urban growth boundaries that is:

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

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

(3) In an unincorporated community.

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

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

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

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

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

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

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

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

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

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

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

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

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

Tract.

(1) A lot or parcel as defined in LC 16.090.

(2) 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.

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

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

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

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

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

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

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

(a) "Access" means physical contact with or use of the water;

(b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

(c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

(e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) "Water-borne transportation" means use of water access:

(i) Which are themselves transportation (e.g., navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

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

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f) Recreational. Recreational marinas, boat ramps and support.

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

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

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

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

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

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

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

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14)*

16.095 Compliance With LC Chapter 15, Roads.

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

DEVELOPMENTAL APPROVAL PROCEDURES
RURAL COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) Uses and development accessory to lawfully existing uses and development subject to the following:

(i) 'Same Site' development area is defined as the area within 250 feet from the perimeter of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.210(7)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the proposed accessory development is subject to the following discretionary siting standards: LC 16.210(7)(a), (b), (c)(i)(aa), (c)(iii), and (e). Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500.

(m) Marijuana production, subject to Lane Code 16.420.

(n) Marijuana wholesale distribution, subject to Lane Code 16.420.

(o) Marijuana research, subject to Lane Code 16.420.

(3) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be

allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Parks.

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

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

(f) Fire stations for rural fire protection.

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

(h) Aids to navigation and aviation.

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

(j) Reservoirs and water impoundment.

(k) Cemeteries.

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

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

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

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

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

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

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

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

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

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

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

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply

with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

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

(i) As used in LC 16.210(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons";

(ii) As used in LC 16.210(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the existing residents";

(iii) The manufactured home or recreational vehicle must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling;

(iv) The temporary manufactured home or recreational vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.210(3)(o)(vi) below, approval of a temporary manufactured home or recreational vehicle 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;

(vi) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle must be removed from the property, converted to an allowable nonresidential use or demolished; and (vii) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.210(3)(o) above shall not be eligible for replacement under LC 16.210(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

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

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

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

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

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

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

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

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

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

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(7)(a) or (b) below, LC 16.210(7)(c)-(f) below, and the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Temporary forest labor camps.

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

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

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(7)(a) or (b), LC 16.210(7)(c)-(f), and the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The alteration, restoration, or replacement of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.210(7) below and with these requirements:

(i) The property owner provides:

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

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

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) In the case of replacement, the new dwelling must be located partially or entirely within the same site as the existing dwelling. For the purpose of LC 16.210(6)(a), "the same site" is defined as an area within 250’ from the perimeter of the footprint of the established dwelling;

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

(v) Land use approval of a permit described in LC 16.210(6)(a) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.210(6)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.210(3)(o) above is not be eligible for replacement under LC 16.210(6)(a) above; and

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

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.210(6)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.210(7) below and with these requirements:

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

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

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

(iv) Land use approval of a permit described in LC 16.210(6)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.210(6)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.210(6)(b) above; and

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

(7) Siting Standards for Dwelling, Structures and Other Uses. The following siting standards apply to all structures and other uses as specified above in LC 16.210(2)(h), (2)(l), (3), (4) and (6). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(7)(a) through(b) below shall be weighed together with the requirements in LC 16.210(7)(c) and (e) below to identify the building site.

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

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

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

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

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

be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Not closer than:

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

(bb) 30 feet from all property lines other than those described in LC 16.210(7)(a)(v)(aa) above;

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

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

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

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

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

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

Size of the Primary Safety Zone by Percent Slope

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

Building shall be restricted to slopes of less than 40 percent. Dwellings shall not be sited on a slope greater than 40 percent.

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

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

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the residential structures in compliance with the standards in LC 16.210(7)(c)(i)(aa) above; and

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

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

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

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

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

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

(iii) Chimneys and Roofs. Dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904,

metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, (OAR Chapter 629). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(7)(d) above, evidence of domestic water supply means:

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

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

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

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(7)(e). Evidence of compliance with the standards specified in LC 16.210(7)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for only one dwelling.

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

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

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.210(6)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

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

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

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

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

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility. (vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)through(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(8) <u>Other Development Standards</u>.

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

(b) Signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) A landowner allowed a land division under LC 16.210(9)(b) above signs a statement that is recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

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

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

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

(iii) A landowner allowed a land division under LC 16.210(9)(c) above shall sign a statement that shall be recorded with the Lane County Clerk declaring

that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

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

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

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

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

(aa) contains at least 80 acres; or

(bb) is consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.210(9)(d) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.210(9)(d) above. This restriction is irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.210(9)(d) above must sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

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

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

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

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.210(6) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.210(9)(e) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.210(9)(e) above;

(v) A lot or parcel may not be divided under Lane Code 16.210(9)(e) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;

(vi) A landowner allowed a division under LC 16.210(9)(e) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring

that the landowner and the landowner's successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.210(9)(e) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.210(9)(e)(vii) above. The record shall be readily available to the public.

(f) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.210(9)(f)(i)-(iv), below:

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

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

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

(aa) Developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and

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

(iii) If a proposed division of land under LC 16.210(9)(f) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(9)(f)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(10) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16

including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 14-08, 11.5.14; 14-09, 12.16.14; 15-3, 04.17.15)*

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

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

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

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

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

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

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

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

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

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

(d) Farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) Uses and development accessory to lawfully existing uses and development subject to the following:

(i) 'Same Site' development area is defined as the area within 250 feet from the perimeter of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.210(7)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the proposed accessory development is subject to the following discretionary siting standards: LC 16.210(7)(a), (b), (c)(i)(aa), (c)(iii), and (e). Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500.

(m) Marijuana production, subject to Lane Code 16.420.

(n) Marijuana wholesale distribution, subject to Lane Code 16.420.

(o) Marijuana research, subject to Lane Code 16.420.

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

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Parks.

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

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

(f) Fire stations for rural fire protection.

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

(h) Aids to navigation and aviation.

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

(j) Reservoirs and water impoundment.

(k) Cemeteries.

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) As used in LC 16.210(3)(o) above, “hardship” means, “a medical hardship or hardship for the care of an aged or infirm person or persons”;

(ii) As used in LC 16.210(3)(o) above, “relative of the resident” means, “a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the existing residents”;

(iii) The manufactured home or recreational vehicle must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling;

(iv) The temporary manufactured home or recreational vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.210(3)(o)(vi) below, approval of a temporary manufactured home or recreational vehicle 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;

(vi) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle must be removed from the property, converted to an allowable nonresidential use or demolished; and (vii) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.210(3)(o) above shall not be eligible for replacement under LC 16.210(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

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

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

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

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

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

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

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

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

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

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(7)(a) or (b) below, LC 16.210(7)(c)-(f) below, and the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Temporary forest labor camps.

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

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

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(7)(a) or (b), LC 16.210(7)(c)-(f), and the following requirements:

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

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

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

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

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

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

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its

equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

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

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

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

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

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

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

(a) The alteration, restoration, or replacement of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.210(7) below and with these requirements:

(i) The property owner provides:

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

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

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) In the case of replacement, the new dwelling must be located partially or entirely within the same site as the existing dwelling. For the purpose of LC 16.210(6)(a), "the same site" is defined as an area within 250’ from the perimeter of the footprint of the established dwelling;

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

(v) Land use approval of a permit described in LC 16.210(6)(a) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.210(6)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.210(3)(o) above is not be eligible for replacement under LC 16.210(6)(a) above; and

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

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.210(6)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.210(7) below and with these requirements:

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

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

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

(iv) Land use approval of a permit described in LC 16.210(6)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.210(6)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.210(6)(b) above; and

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

(7) Siting Standards for Dwelling, Structures and Other Uses. The following siting standards apply to all structures and other uses as specified above in LC 16.210(2)(h), (2)(l), (3), (4) and (6). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(7)(a) through(b) below shall be weighed together with the requirements in LC 16.210(7)(c) and (e) below to identify the building site.

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

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

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

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

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

(v) Not closer than:

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

(bb) 30 feet from all property lines other than those described in LC 16.210(7)(a)(v)(aa) above;

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

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

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

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

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

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

Size of the Primary Safety Zone by Percent Slope

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

Building shall be restricted to slopes of less than 40 percent. Dwellings shall not be sited on a slope greater than 40 percent.

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

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

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the residential structures in compliance with the standards in LC 16.210(7)(c)(i)(aa) above; and

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

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

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

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

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

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

(iii) Chimneys and Roofs. Dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures

shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, (OAR Chapter 629). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(7)(d) above, evidence of domestic water supply means:

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

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

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

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(7)(e). Evidence of compliance with the standards specified in LC 16.210(7)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for only one dwelling.

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

(ii) Cul-de-sacs. Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds.

Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.210(6)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

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

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

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

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

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility. (vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)through(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(8) Other Development Standards.

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

(b) Signs.

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

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

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

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

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

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

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

(ii) The parcel is not eligible for siting a new dwelling;

(iii) The parcel cannot serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) Allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(vi) The land division, cannot be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.210(9)(b) above signs a statement that is recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) New land divisions less than the 80 acre parcel size required by LC 16.210(9)(a) above are allowed for the uses listed in LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(n) and (y), and LC 16.210(4) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(n) and (y), and LC 16.210(4) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.210(9)(c) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(d) A division of a lot or parcel for an existing dwelling subject to compliance with these requirements:

(i) The parcel established for the existing dwelling or manufactured dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(ii) The existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.210(9)(d) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.210(9)(d) above. This restriction is irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.210(9)(d) above must sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.210(9)(d) above. The record shall be readily available to the public.

(e) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.210(6) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.210(9)(e) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.210(9)(e) above;

(v) A lot or parcel may not be divided under Lane Code 16.210(9)(e) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;

(vi) A landowner allowed a division under LC 16.210(9)(e) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner’s successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.210(9)(e) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.210(9)(e)(vii) above. The record shall be readily available to the public.

(f) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.210(9)(f)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel;

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.210(9)(f) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(9)(f)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(10) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 14-08, 11.5.14; 14-09, 12.16.14; 15-3, 04.17.15)*

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IMPACTED FOREST LANDS ZONE (F-2, RCP) RURAL COMPREHENSIVE PLAN

16.211 Impacted Forest Lands Zone (F-2, RCP).

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through 215.799.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i), (n) and (o)(ii) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "…discretionary approval of a proposed development of land…" For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. “Auxiliary” means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. “Auxiliary” means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit

described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(e-e) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(n) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.211(8)(a)(v) and (8)(c)(i)(aa).

(o) Uses and development accessory to existing uses and development, subject to the following

(i) 'Same Site' development area is defined as the area within 250 feet from the perimeter of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.211(8)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the accessory development is subject to the following discretionary siting standards: LC 16.211(8)(a), (b), (c)(i)(aa), (c)(iii), and (e). Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500.

(p) Marijuana production, subject to Lane Code 16.420.

(q) Marijuana wholesale distribution, subject to Lane Code 16.420.

(r) Marijuana research, subject to Lane Code 16.420.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(3)(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Private parks and campgrounds that comply with these requirements:

(i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, division 4;

(ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

(iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;

(iv) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. A 'yurt' means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by LC 16.211(3)(c)(iv) above;

(vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and

(vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period.

(d) Public parks including those uses specified under OAR 660-034-0035.

(e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.

(f) Fire stations for rural fire protection.

(g) Commercial utility facilities for the purpose of generating power that do not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, division 4.

(h) Aids to navigation and aviation.

(i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(j) Reservoirs and water impoundment.

(k) Cemeteries.

(l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.

(n) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;

(iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;

(v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;

(vi) Shall comply with sanitation and building code requirements;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured home or recreational vehicle must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured home or recreational vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured home or recreational vehicle 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 requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle must be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vii) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within one-quarter mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities described by ORS 526.215 or where accessory to forest operations.

(t) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird or big game hunting seasons, or both, authorized by the Oregon Fish and Wildlife Commission; and

(iv) The use does not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) An outdoor mass gathering, and any part of which is held in open spaces, of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or

juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(g-g) Marijuana processing with a special use permit provided a dwelling is present, subject to Lane Code 16.420.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) In case of replacement, the new dwelling must be located partially or entirely within the same site as the existing dwelling. For the purpose of LC 16.211(4)(a) "the same site" is defined as an area within 250 feet from the perimeter of the footprint of the established dwelling;

(iv) For a replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above is not eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and

compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above is not eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(5) Template Dwelling. One single-family dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling will be located has no other dwellings on it.

(b) The lot or parcel upon which the dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing zero to 49 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least three other lots or parcels that existed on January 1,1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle

that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least seven other lots or parcels that existed on January 1,1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1,1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is

one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling, when the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(7), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County;

(iii) Shall, together with a map or other record depicting any tract that does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property that is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(6) Lot of Record Dwelling. One single family dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(c) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(d) The tract on which the dwelling will be sited does not include a dwelling.

(e) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(f) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall meet the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each

direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(g) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(h) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(i) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).

(j) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Large Tract Dwelling. One single family dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

(a) Is sited on a tract that does not contain a dwelling or manufactured home.

(b) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(c) Prior to land use clearance of a building permit for the dwelling when the lot or parcel where the dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(7)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(f) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(8) <u>Siting Standards for Dwellings, Structures and Other Uses</u>. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h), (2) (j), and (2)(o), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) <u>Setbacks</u>. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract

for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all property lines other than those described in LC 16.211(8)(a)(v)(aa) above; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all

times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall

comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from a engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection

District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Area. The creation of a new lot or parcel must comply with LC Chapter 13 for the submittal and approval of tentative plans and plats and with the following requirements:

(a) The minimum area requirement for the creation of new lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. An exception to this area requirement may be made pursuant to LC 16.211(10)(b)-(f) below;

(b) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel is not eligible for siting a new dwelling;

(iii) The parcel cannot serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) Allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) The land division cannot be used to justify the re-designation or rezoning of resource lands; and

(vi) A landowner allowed a land division under LC 16.211(10)(a) above signs a statement that is recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(vii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(c) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(d) A division of a lot or parcel for an existing dwelling subject to compliance with these requirements:

(i) The parcel established for the existing dwelling cannot be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(ii) The existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling , has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings or unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction is irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.211(10)(c) above must sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and

(vii) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.

(e) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) A lot or parcel may not be divided under Lane Code 16.211(10)(d) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;

(vi) A landowner allowed a division under LC 16.211(10)(d) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.211(10)(d)(vii) above. The record shall be readily available to the public.

(f) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.211(10)(e)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting of a dwelling as may be authorized under LC 16.211(5)-(7), based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.211(10)(e) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.120. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in LC 16.211(3)(c) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not

include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the

riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14)*

IMPACTED FOREST LANDS ZONE (F-2, RCP)
RURAL COMPREHENSIVE PLAN

16.211 Impacted Forest Lands Zone (F-2, RCP).

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through 215.799.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i), (n) and (o)(ii) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "…discretionary approval of a proposed development of land…" For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. “Auxiliary” means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. “Auxiliary” means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(e-e) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(n) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.211(8)(a)(v) and (8)(c)(i)(aa).

(o) Uses and development accessory to existing uses and development, subject to the following

(i) ‘Same Site’ development area is defined as the area within 250 feet from the perimeter of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the ‘same site’ development area, the accessory development is subject to

the following clear and objective siting standards: LC 16.211(8)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the accessory development is subject to the following discretionary siting standards: LC 16.211(8)(a), (b), (c)(i)(aa), (c)(iii), and (e). Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500.

(p) Marijuana production, subject to Lane Code 16.420.

(q) Marijuana wholesale distribution, subject to Lane Code 16.420.

(r) Marijuana research, subject to Lane Code 16.420.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(3)(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Private parks and campgrounds that comply with these requirements:

(i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, division 4;

(ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

(iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;

(iv) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. A 'yurt' means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by LC 16.211(3)(c)(iv) above;

(vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and

(vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period.

(d) Public parks including those uses specified under OAR 660-034-0035.

(e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.

(f) Fire stations for rural fire protection.

(g) Commercial utility facilities for the purpose of generating power that do not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, division 4.

(h) Aids to navigation and aviation.

(i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(j) Reservoirs and water impoundment.

(k) Cemeteries.

(l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.

(n) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;

(iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;

(v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;

(vi) Shall comply with sanitation and building code requirements;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home

occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured home or recreational vehicle must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured home or recreational vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured home or recreational vehicle 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 requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle must be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vii) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within one-quarter mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities described by ORS 526.215 or where accessory to forest operations.

(t) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird or big game hunting seasons, or both, authorized by the Oregon Fish and Wildlife Commission; and

(iv) The use does not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) An outdoor mass gathering, and any part of which is held in open spaces, of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(g-g) Marijuana processing with a special use permit provided a dwelling is present, subject to Lane Code 16.420.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) In case of replacement, the new dwelling must be located partially or entirely within the same site as the existing dwelling. For the purpose of LC 16.211(4)(a) "the same site" is defined as an area within 250 feet from the perimeter of the footprint of the established dwelling;

(iv) For a replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above is not eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above is not eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(5) Template Dwelling. One single-family dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling will be located has no other dwellings on it.

(b) The lot or parcel upon which the dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing zero to 49 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least three other lots or parcels that existed on January 1,1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least seven other lots or parcels that existed on January 1,1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1,1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling, when the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(7), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County;

(iii) Shall, together with a map or other record depicting any tract that does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property that is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(6) Lot of Record Dwelling. One single family dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(c) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(d) The tract on which the dwelling will be sited does not include a dwelling.

(e) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(f) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall meet the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(g) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(h) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(i) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).

(j) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Large Tract Dwelling. One single family dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

(a) Is sited on a tract that does not contain a dwelling or manufactured home.

(b) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(c) Prior to land use clearance of a building permit for the dwelling when the lot or parcel where the dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(7)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(f) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h), (2) (j), and (2)(o), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all property lines other than those described in LC 16.211(8)(a)(v)(aa) above; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-

yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses

dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from a engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the

Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Area. The creation of a new lot or parcel must comply with LC Chapter 13 for the submittal and approval of tentative plans and plats and with the following requirements:

(a) The minimum area requirement for the creation of new lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. An exception to this area requirement may be made pursuant to LC 16.211(10)(b)-(f) below;

(b) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel is not eligible for siting a new dwelling;

(iii) The parcel cannot serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) Allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) The land division cannot be used to justify the re-designation or rezoning of resource lands; and

(vi) A landowner allowed a land division under LC 16.211(10)(a) above signs a statement that is recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(vii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(c) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(d) A division of a lot or parcel for an existing dwelling subject to compliance with these requirements:

(i) The parcel established for the existing dwelling cannot be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(ii) The existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling , has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings or unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction is irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.211(10)(c) above must sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and

(vii) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.

(e) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) A lot or parcel may not be divided under Lane Code 16.211(10)(d) if an existing dwelling on the lot or parcel was approved under a statute, an

administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;

(vi) A landowner allowed a division under LC 16.211(10)(d) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.211(10)(d)(vii) above. The record shall be readily available to the public.

(f) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.211(10)(e)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting of a dwelling as may be authorized under LC 16.211(5)-(7), based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.211(10)(e) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.120. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in LC 16.211(3)(c) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior

to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14)*

EXCLUSIVE FARM USE ZONE (E-RCP)
RURAL COMPREHENSIVE PLAN

16.212 Exclusive Farm Use Zone (E-RCP).

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) Definitions. Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) Contiguous. "Contiguous" means connected in such a manner as to form a single block of land.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) Dwelling. "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) Farm Unit. "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) High Value Farm Land. "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Brenner and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of "high value farmland."

(f) Irrigated. "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(g) Tract. "Tract" means one or more contiguous lots or parcels under the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "…discretionary approval of a proposed development of land…" For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

(a) Farm Use (See the definition of "farm use" in LC 16.090).

(b) Propagation or harvesting of a forest product.

(c) Other buildings customarily provided in conjunction with farm use.

(d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(e) Operations for the exploration for minerals as defined by ORS 517.750.

(f) Creation of, restoration of, or enhancement of wetlands.

(g) Wineries that comply with LC 16.212(12)(a)(i) and (ii) or LC 16.212(12)(b)(i) and (ii).

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(j) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(l) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(m) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and

improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(n) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(o) Changes in the frequency of transit, rail and airport services.

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in LC 16.212(3)(q), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in LC 16.212(3)(q), "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(iv) As used in LC 16.212(3)(q), "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(v) In accordance with Section 34, Chapter 614, Oregon Laws 2015, a farm stand is prohibited in conjunction with a marijuana crop.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings and facilities associated with a site for the takeoff and landing of model aircraft must not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. The site cannot include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection. An owner of property used for the purpose authorized in this subsection may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this subsection, "model

aircraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(s) Fire service facilities providing rural fire protection services.

(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities associated, not including parks or other recreational structures and facilities, with a district as defined in ORS 540.505.

(u) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(i) A public right of way;

(ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(iii) The property to be served by the utility.

(v) An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(e-e) below. "Outdoor mass gathering" or "other gathering," as those terms are used in LC 16.212(3)(v), do not include agri-tourism or other commercial events and activities.

(w) Composting operations and facilities that comply with these requirements:

(i) Composting operations and facilities shall:

(aa) Be accepted farming practices in conjunction with and auxiliary to farm use on the subject tract;

(bb) Limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; and

(cc) Meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

(ii) Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(iii) Composting operations and facilities on land not defined as high value farmland and that do not constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are subject to review under LC 16.212(4)(q).

(x) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings that existed on January 1, 2013, when:

(i) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(y) The slaughter, processing or selling of less than 1,000 poultry or poultry products for human food within one calendar year, pursuant to ORS 603.038.

(z) Uses and development accessory to existing uses and development, subject to the following:

(i) 'Same Site' development area is defined as the area within 250 feet from the perimeter of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.212(10)(b) through (e); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the accessory development is subject to the following discretionary siting standards: LC 16.212(10)(a) through (g). Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500.

(aa) Marijuana production, subject to Lane Code 16.420.

(bb) Marijuana wholesale distribution, subject to Lane Code 16.420.

(cc) Marijuana research, subject to Lane Code 16.420.

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. .

(a) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;

(iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;

(v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;

(vi) LC 16.212(10)(f) through (g) below;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority;

(ix) May include the parking of vehicles if the home occupation is located on high value farm land; and

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a

two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

(iii) LC 16.212(10)(f) through (h) below.

(c) Commercial activities in conjunction with farm use including the commercial processing of farm crops into biofuel not permitted as a farm use or pursuant to LC 16.212(4)(h) below, that comply with LC 16.212(10)(f) through (g) below.

(i) In accordance with Section 34, Chapter 614, Oregon Laws 2015, a commercial activity carried on in conjunction with a marijuana crops is prohibited.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period that is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of more than 1,000 poultry or poultry products within a calendar year that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use;

(iii) A processing facility or establishment must comply with applicable requirements in LC 16.212(10)(a) through (e) below, to the extent they do not prohibit the siting of the processing facility; and

(iv) A land division of a lot or parcel may not be approved that separates the processing facility or establishment from the farm operation on which it is located.

(i) Utility facilities and transmission lines necessary for public service.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(aa) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(A) Technical and engineering feasibility;

(B) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of available urban and non-resource lands;

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(bb) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(cc) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former

condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(dd) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Off-site facilities allowed under this paragraph are subject to LC 16.212(10)(f) through (g) below. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval;

(ff) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(gg) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264;

(hh) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and

(ii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(ii) An associated transmission line that is necessary for public service that meets either the requirements of LC16.212(4)(i)(ii)(aa) or (bb) below:

(aa) The entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in LC16.212(2)(e), or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets two or more of (A) through (E) below and LC 16.212(10)(f) and (g) below. The Approval Authority may consider costs associated with any of the factors listed in LC16.212(4)(i)(ii)(bb)(A) through (E) above, but

consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies;

(F) The applicant shall present findings to the county on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Public parks shall include only those uses specified under OAR 660-034-0035;

(iii) A public park may be established consistently with ORS 195.120; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(j) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(j)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(j)(iv) above.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(dd) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive six month period;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iii) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(vi) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(k) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(k)(vi) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(k)(vi) above.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(l) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(l)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(l)(iv) above.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 and that comply with these requirements:

(i) New uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting operations and facilities allowed on land not defined as high value farmland shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(v) LC16.212(4)(q)(vi) and (vii) below apply only to applications to:

(aa) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

(bb) Allow an existing disposal site for composting that sells, or offers for sale, resulting product to add or increase the following uses (i-i) and (ii-ii) below:

(i-i) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(ii-ii) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(vi) Prior to submittal of a special use permit, the Applicant must request and attend a pre-application conference with the county pursuant to the following:

(aa) The applicant must submit a completed pre-application conference application form with the associated fee. The submittal must contain information about the proposed/existing disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(bb) The county shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.

(cc) A representative of the planning department of the county and a representative of the Department of Environmental Quality will attend the conference along with representatives, as determined necessary by the county, of the following entities:

(i-i) Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting.

(ii-ii) A state agency, a local government or a private entity that provides or would provide to the proposed disposal site for composting one or more of the following:

(aaa) Water systems.

(bbb) Wastewater collection and treatment systems, including storm drainage systems.

(ccc) Transportation systems or transit services.

(iii-iii) A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting.

(iv-iv) The Department of Land Conservation and Development.

(vi-vi) The State Department of Agriculture.

(vii) After the pre-application conference and before submittal of a special use permit, the Applicant must hold a pre-application community meeting pursuant to the following standards:

(aa) Hold a community meeting within 60 days after the preapplication conference:

(i-i) In a public location within Lane County; and

(ii-ii) On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6 p.m. and 8 p.m.

(bb) Provide notice of the community meeting to:

(i-i) The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;

(ii-ii) Residents or occupants that receive mail at the mailing address of the real property described in LC 16.212(4)(q)(bb)(i-i) above if the mailing address of the owner of record is not the mailing address of the real property;

(iii-iii) Neighborhood and community organizations recognized by the Board if a boundary of the organization is within one-half mile of the proposed disposal site for composting;

(iv-iv) A newspaper of general circulation for publication;

(v-v) Local media in a press release; and

(vi-vi) The entities described in LC 16.212(4)(q)(iv)(cc) above.

(cc) The applicant's notice provided under LC16.212(4)(q)(v)(bb) above of this section must include:

(i-i) A brief description of the proposed disposal site for composting;

(ii-ii) The address of the location of the community meeting; and

(iii-iii) The date and time of the community meeting.

(dd) During the community meeting, the applicant must provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that

are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(r) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(r)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(r)(iv) above.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995;

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(s) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(s)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(s)(iii) above.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65;

(iii) LC 16.212(10)(f) through (g) below; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(t) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(t)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(t)(iv) above.

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding; or dog training classes or testing trials that cannot be established under LC 16.212(3)(x) above that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iv) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school formerly allowed pursuant to LC 16.212(4)(b-b), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

(aa) LC 16.212(10)(f) through (g) below;

(bb) The public or private school was established on or before January 1, 2009; and

(cc) The expansion occurs on:

(i-i) The tax lot on which the public or private school was established on or before January 1, 2009; or

(ii-ii) A tax lot that is contiguous to the tax lot described in LC 16.212(4)(b-b)(iv)(cc)(i-i) above and that was owned by the applicant on January 1, 2009.

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(b-b) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(b-b)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(b-b)(v) above.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New destination resorts are not permitted on high value farm land.

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(c-c)(ii) above, lawfully existing destination resorts described in LC 16.212(4)(c-c) above that are on high value farm land may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(d-d) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(d-d) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(e-e) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period, and that complies with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) Armed forces reserve center that complies with these requirements:

(i) The center is within one-half mile of the main campus of a community college;

(ii) An “armed forces reserve center” includes an armory or National Guard support facility; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people,

shall be approved in connection with the use described in LC 16.212(4)(f-f) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(f-f)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(f-f)(iii) above.

(g-g) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community that comply with these requirements:

(i)LC 16.212(10)(f) through (g) below; and

(ii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(g-g) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(g-g)(ii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(g-g)(ii) above.

(h-h) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including

but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

(ee) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ff) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(h-h) above are not allowed on high value farm land as defined in ORS 195.300;

(iv) Notwithstanding LC 16.212(4)(h-h)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(h-h)(i) through (ii) above, but shall not be expanded to contain more than 36 holes; and

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(h-h) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(h-h)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an

urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(h-h)(v) above.

(i-i) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities, which comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(i-i) above are allowed subject to compliance with ORS 469.504.

(j-j) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(37).

(k-k) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(38).

(l-l) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with ORS 215.246 through 215.251.

(m-m) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(n-n) A winery that complies with LC 16.212(12)(a)(i), (ii), and (iii) or LC 16.212(12)(b)(i), (ii), and (iii).

(o-o) Agri-tourism and other commercial events or activities that are related to and supportive of agriculture and that comply with these requirements:

(i) Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if in compliance with LC 16.212(4)(o-o)(iii) and (v) below; or

(ii) Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with LC 16.212(4)(o-o)(i) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial events or activities are in compliance with LC 16.212(4)(o-o)(iv) and (v) below.

(iii) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) above shall comply with the following standards:

(aa) Must be incidental and subordinate to existing farm use on the tract; and

(bb) May not, individually, exceed a duration of 72 consecutive hours.

(cc) Limited Use Permits approved under LC 16.212(4)(o-o)(i) shall be valid for two years from the date of the approval.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(i) may be renewed for an additional two years subject to:

(A) An application for renewal; and

(B) Demonstration of compliance with the provisions of LC 16.212(4)(i) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(iv) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(ii) above shall comply with the following standards:

(aa)Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(bb) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(cc) Do not exceed 18 events or activities in a calendar year.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) shall be valid for two years from the date of the approval.

(ee) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) may be renewed at four year intervals subject to:

(A) An application for renewal;

(B) Public notice and public comment as part of the review process; and

(C) Demonstration of compliance with the provisions of LC 16.212(4)(ii) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(v) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) and (ii) above shall comply with the following standards:

(aa) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(bb) LC 16.212(10)(f) through (g);

(cc) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(dd) Must comply with conditions established for:

(A) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration or the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(B) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(C) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(D) Sanitation and solid waste.

(ee) The Approval Authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under LC 16.212(4)(o-o)(i) or (ii). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The Approval Authority may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under LC 16.212(4)(o-o)(i) or (ii), including, but not limited to, grading, filling or paving.

(ff) Event or activities authorized under LC 16.212(4)(o-o) shall not be allowed at a winery which conducts events or uses authorized under LC 16.212(12) below.

(p-p) Marijuana processing, subject to Lane Code 16.420.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below will not be given unless any additional taxes imposed on the change in use have been paid. On January 2, 2024, the provisions in LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No.14-08).

(a) The alteration, restoration, or replacement in the same site of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property; and

(cc) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(ii) The dwelling has:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling is to be located partially or entirely within the same site as the dwelling to be replaced. For the purpose of LC 16.212(5)(a) "the same site" is defined as an area within 250 feet from the perimeter of the footprint of the established dwelling;

(iv) In the case of replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(v) A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling;

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) The approval described in LC 16.212(5)(a) above is not subject to LC 14.700 and does not expire.

(ix) If a replacement dwelling approval was issued under LC 16.212(5)(a) and expired prior to January 1, 2014, the approval is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(aa) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(bb) If the value of the dwelling was eliminated from the tax roll as a result of the destruction of the dwelling, provide evidence the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated. Destruction can include by fire, natural hazard, or by a demolition permit.

(cc) If the value of the dwelling was improperly removed from the tax roll by a person other than the current owner, provide evidence. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(ii) The dwelling has or formerly had:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(iv) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located

on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, must execute and record in Lane County Deeds and Records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The Applicant must obtain the signature of the Director on the release which states that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(v) If the dwelling formerly had features described in LC 16.212(5)(b)(ii), was removed from the tax roll as described in LC 16.212(5)(b)(i)(bb) or (cc), or has a replacement dwelling permit that expired before January 1, 2014, then the replacement dwelling must comply with the following:

(aa) Be sited on the same lot or parcel; and

(bb) Use all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel as permitted by LC Chapters 15 and 16; and

(cc) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, site dwelling within a concentration or cluster of structures or within 500 yards of another structure.

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a decision described in LC 16.212(2)(b) above is not subject to LC 14.700 and does not expire.

(ix) If a replacement dwelling decision was issued under LC 16.212(5)(b) and expired prior to January 1, 2014, the decision is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) A relative farm help dwelling. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below;

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite", as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(9)(a); and

(iv) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to in LC 16.212(5)(c) above.

(v) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The manufactured home or recreational vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured home or recreational vehicle will comply with Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above; and

(vii) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to LC 16.212(5)(d) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least $80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years;

(ii) Except as permitted in ORS 215.278 for accessory dwellings for farm workers, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(a)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal

or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling; or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above; or

(dd) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(6)(b)(ii)(dd) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. “Farmworker housing” shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least $80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(viii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below,

including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel

under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least $80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned $80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced $80,000 in gross farm income in the last two years, or three of the last five years or an average in three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland. The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years, or three of the last five years or an average of three of the last five years $32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least $2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

(iii) LC 16.212(10)(f) through (i) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required

under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

(ii) The lot or parcel where the dwelling will be located:

(aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;

(bb) Has produced at least $20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least $20,000 in annual gross farm income; or

(cc) Is a woodlot capable of producing an average over the growth cycle of $20,000 in gross annual income; and

(iii) LC 16.212(10)(f) through (h) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or

(iii) The accessory farm dwelling will be located on:

(aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above; or

(cc) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(7)(e)(iii)(cc) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer

required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least $32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(ix) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification

System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January l, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of

earning at least $32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned $32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced $32,500 in gross farm income in the last two years, or three of the last five years or an average of three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d)

Farm Group	Size
Cash grains	120 acres
Field crops (includes grass seed production)	160 acres
Tree fruit and nuts	40 acres
Horticultural specialties	20 acres
General farm, primarily crop	320 acres
Extensive animal grazing	120 acres
Intensive animal husbandry	40 acres
Dairy farm	240 acres
General farm, primarily livestock	80 acres
Berries and grapes	20 acres
Vegetables and melons	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25	25 acres
E-30	30 acres
E-40	40 acres
E-60	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

Land preparation.
Ripping and plowing.
Fencing.
Surveying.
Crop cultivation.

Irrigation.
Herbicide; fungicide and/or fertilizer application.
Machinery.
Accessory farm buildings.
Breeding and livestock raising concerns.
Labor.
Projected expenses associated with the above.
Date by which the farm management plan would be substantially implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (q), (r), (s), (u), (v), (b-b), (e-e), (f-f), and (l-l) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E-RCP) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

(m) A division of land may be allowed to create a parcel for the non-farm use identified in LC 16.212(3)(t) above provided:

(i) The parcel is not larger than the minimum size necessary for the use; and

(ii) Any additional tax imposed for the change in use has been paid.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(3)(z)(iii) and (4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(3)(z) and (4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon all other tracts shall be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be

recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Wineries. The purpose of LC 16.212(12) below is to provide for the establishment of a winery on a suitable property within the Exclusive Farm Use Zone.

(a) Facilities producing less than 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use under LC 16.212(12)(a)(i)(aa) or (bb) below, and complies with LC 16.212(12)(c) below:

(aa) The facility produces wine with a maximum annual production of less than 50,000 gallons and:

(A) Owns an on-site vineyard of at least 15 acres;

(B) Owns a contiguous vineyard of at least 15 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or

(D) Obtains grapes from any combination of the LC 16.212(12)(a)(i)(aa)(A) through (C) above.

(bb) The facility produces wine with a maximum annual production of at least 50,000 gallons and:

(A) Owns an on-site vineyard of at least 40 acres;

(B) Owns a contiguous vineyard of at least 40 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery;

(D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

(E) Obtains grapes from any combination of the requirements in LC 16.212(12)(a)(i)(bb)(A) through (D) above.

(ii) Permitted Uses. In addition to producing and distributing wine, a winery established under LC 16.212(12)(a)(i) may:

(aa) Market and sell wine produced in conjunction with the winery.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. The events on the first 6 days of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year license, subject to administrative review under the standards set forth in 16.212(12)(a)(ii)(dd)(A) below. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized be LC 16.212(12)(a)(iii) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the county may impose conditions on a license related to:

(i-i) The number of event attendees;
(ii-ii) The hours of event operation;
(iii-iii) Access and parking;
(iv-iv) Traffic management;
(v-v) Noise management; and
(vi-vi) Sanitation and solid waste

(B) If the Approval Authority issues a license under LC 16.212(12)(a)(ii)(dd) above for agri-tourism or other commercial events, the county shall review the license at least once every five years and, if appropriate, may renew the license.

(C) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized LC 16.212(12)(a)(ii)(bb), (cc), or (dd).

(ff) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in LC 16.212(12)(a)(ii)(cc) above. Food and beverage services authorized under LC 16.212(12)(a)(ii)(ee) above may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(a)(ii)(cc) through (ee) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income by third parties unaffiliated with the winery.

(hh) At the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(a)(ii)(gg) above for the previous tax year;

(iii) Special Uses – Director Approval:

(aa) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year permit submitted pursuant to LC 14.050, subject to review and notice pursuant to LC 14.100 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and

sale of wine and do not create significant adverse impacts to uses on surrounding land, the Approval Authority may impose conditions on a permit related to:

(i-i) The number of event attendees;

(ii-ii) The hours of event operation;

(iii-iii) Access and parking;

(iv-iv) Traffic management;

(v-v) Noise management; and

(vi-vi) Sanitation and solid waste;

(B) If the Approval Authority issues a permit under LC 16.212(12)(a)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(C) Complies with requirements of LC 16.212(12)(c) below.

(bb) Notwithstanding LC 16.212(12)(c)(ii)(bb) below, a setback of less than 100 feet may be permitted at the Approval Authority's discretion provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(b) Facilities producing at least 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use if it has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this LC 16.212(12)(b) and complies with the standards of LC 16.212(12)(c) below; and

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(bb) Owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(12)(b)(i)(aa) above;

(ii) Permitted Uses. In addition to producing and distributing wine, a winery described in subsection (b) of this section may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year; and

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by LC 16.212(12)(b)(ii)(bb), (cc), or (dd).

(ff) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery is limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. Except under LC 16.212(12)(b)(iii)(aa) below. A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(12)(b)(i) above.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(b)(ii)(cc) and (dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(hh) At the request of Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(b)(ii)(ff) above for the previous tax year.

(iii) Special Uses – Director Approval:

(aa) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism and other commercial events occurring on more than 25 days in a calendar year must demonstrate that the restaurant or agri-tourism and other commercial events comply with the following standards:

(A) LC 16.212(10)(f) and (g) below;

(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(C) Does not materially alter the stability of the land use pattern in the area.

(D) Application is submitted pursuant to LC 14.050, subject to review and notice pursuant LC 14.100.

(E) If the Approval Authority issues a permit under LC 16.212(12)(b)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority will review the permit at least once every five years and, if appropriate, may renew the permit;

(F) Complies with requirements of LC 16.212(12)(c) below.

(bb) Sales or delivery of items or providing services not described in LC 16.212(12)(b)(ii)(bb) or (cc) or (gg) above may be authorized under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above.

(cc) The Approval Authority may issue a permit for a winery operating under LC 16.212(12)(b) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(12)(b) in similar circumstances before August 2, 2011.

(c) Additional Requirements:

(i) Prior to the establishment of a winery under LC 16.212(12)(a) or (b) above, the applicant must show that vineyards described in LC 16.212(12)(a)(i) or (12)(b)(i) above have been planted or that the contract has been executed, as applicable.

(ii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above must demonstrate compliance with the following standards:

(aa) The winery provides parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places must be setback at least 100 feet from all property lines;

(cc) The winery must provide for direct road access and internal circulation.

(iii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above shall comply with:

(aa) The applicable requirements of LC Chapter 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations of general applicability for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(iv) Wineries that conduct agri-tourism or other commercial events under LC 16.212(4)(o-o) may not conduct agri-tourism or other commercial events or activities authorized by LC 16.212(12).

(v) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that existed on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(12)(a)(ii)(gg) or LC 16.212(12)(b)(ii)(gg) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(vi) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract as a winery established

under LC 16.212(3)(g) that produced more than 250,000 gallons of wine in calendar year 2010. This does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(vii) A winery established under LC 16.212(12) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under LC 16.212(4)(c). However, the winery must comply with all provisions of LC 16.212(12)(a)(i) and (b)(i) except the annual production requirements.

(viii) When a Bed and Breakfast Accommodation Home Occupation facility is located on the same tract as a winery approved under LC 16.212(12) the facility may prepare and serve 2 meals per day to the registered guests. These meals may be served at the bed and breakfast facility or at the winery.

(ix) The Approval Authority may authorize the siting of a winery, on land used Exclusive Farm Use, pursuant to the standards that apply to a commercial activity in conjunction with farm use under LC 16.212(4)(c) if the winery does not qualify for siting under LC 16.212(12) above or seeks to carry out uses or activities that are not authorized LC 16.212(12)(a) or (b) above.

(aa) If the Approval Authority authorizes the establishment of a winery under LC 16.212(4)(c), the gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

(x) As used in this section:

(aa) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(bb) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(*Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02;10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10, 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14)*

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EXCLUSIVE FARM USE ZONE (E-RCP)
RURAL COMPREHENSIVE PLAN

16.212 Exclusive Farm Use Zone (E-RCP).

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) Definitions. Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) Contiguous. "Contiguous" means connected in such a manner as to form a single block of land.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) Dwelling. "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) Farm Unit. "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) High Value Farm Land. "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne,

Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Brenner and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of “high value farmland.”

(f) Irrigated. “Irrigated” means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is ‘irrigated’ if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered “irrigated” even if the irrigation water was removed or transferred to another tract.

(g) Tract. “Tract” means one or more contiguous lots or parcels under the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "…discretionary approval of a proposed development of land…" For such a

determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

(a) Farm Use (See the definition of "farm use" in LC 16.090).

(b) Propagation or harvesting of a forest product.

(c) Other buildings customarily provided in conjunction with farm use.

(d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(e) Operations for the exploration for minerals as defined by ORS 517.750.

(f) Creation of, restoration of, or enhancement of wetlands.

(g) Wineries that comply with LC 16.212(12)(a)(i) and (ii) or LC 16.212(12)(b)(i) and (ii).

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(j) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(l) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(m) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(n) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(o) Changes in the frequency of transit, rail and airport services.

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an

exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in LC 16.212(3)(q), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in LC 16.212(3)(q), "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(iv) As used in LC 16.212(3)(q), "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(v) In accordance with Section 34, Chapter 614, Oregon Laws 2015, a farm stand is prohibited in conjunction with a marijuana crop.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings and facilities associated with a site for the takeoff and landing of model aircraft must not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. The site cannot include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection. An owner of property used for the purpose authorized in this subsection may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this subsection, "model aircraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(s) Fire service facilities providing rural fire protection services.

(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities associated, not including parks or other recreational structures and facilities, with a district as defined in ORS 540.505.

(u) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(i) A public right of way;

(ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(iii) The property to be served by the utility.

(v) An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS

197.015(10) or subject to review under LC 16.212(4)(e-e) below. "Outdoor mass gathering" or "other gathering," as those terms are used in LC 16.212(3)(v), do not include agri-tourism or other commercial events and activities.

(w) Composting operations and facilities that comply with these requirements:

(i) Composting operations and facilities shall:

(aa) Be accepted farming practices in conjunction with and auxiliary to farm use on the subject tract;

(bb) Limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; and

(cc) Meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

(ii) Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(iii) Composting operations and facilities on land not defined as high value farmland and that do not constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are subject to review under LC 16.212(4)(q).

(x) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings that existed on January 1, 2013, when:

(i) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(y) The slaughter, processing or selling of less than 1,000 poultry or poultry products for human food within one calendar year, pursuant to ORS 603.038.

(z) Uses and development accessory to existing uses and development, subject to the following:

(i) 'Same Site' development area is defined as the area within 250 feet from the perimeter of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.212(10)(b) through (e); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the accessory development is subject to the following discretionary siting standards: LC 16.212(10)(a) through (g). Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500.

(aa) Marijuana production, subject to Lane Code 16.420.

(bb) Marijuana wholesale distribution, subject to Lane Code 16.420.

(cc) Marijuana research, subject to Lane Code 16.420.

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. .

(a) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;

(iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;

(v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;

(vi) LC 16.212(10)(f) through (g) below;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority;

(ix) May include the parking of vehicles if the home occupation is located on high value farm land; and

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

(iii) LC 16.212(10)(f) through (h) below.

(c) Commercial activities in conjunction with farm use including the commercial processing of farm crops into biofuel not permitted as a farm use or pursuant to LC 16.212(4)(h) below, that comply with LC 16.212(10)(f) through (g) below.

(i) In accordance with Section 34, Chapter 614, Oregon Laws 2015, a commercial activity carried on in conjunction with a marijuana crops is prohibited.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period that is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of more than 1,000 poultry or poultry products within a calendar year that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use;

(iii) A processing facility or establishment must comply with applicable requirements in LC 16.212(10)(a) through (e) below, to the extent they do not prohibit the siting of the processing facility; and

(iv) A land division of a lot or parcel may not be approved that separates the processing facility or establishment from the farm operation on which it is located.

(i) Utility facilities and transmission lines necessary for public service.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(aa) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have

been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(A) Technical and engineering feasibility;

(B) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of available urban and non-resource lands;

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(bb) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(cc) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(dd) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Off-site facilities allowed under this paragraph are subject to LC 16.212(10)(f) through (g) below. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval;

(ff) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(gg) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264;

(hh) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and

(ii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(ii) An associated transmission line that is necessary for public service that meets either the requirements of LC16.212(4)(i)(ii)(aa) or (bb) below:

(aa) The entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in LC16.212(2)(e), or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets two or more of (A) through (E) below and LC 16.212(10)(f) and (g) below. The Approval Authority may consider costs associated with any of the factors listed in LC16.212(4)(i)(ii)(bb)(A) through (E) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies;

(F) The applicant shall present findings to the county on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Public parks shall include only those uses specified under OAR 660-034-0035;

(iii) A public park may be established consistently with ORS 195.120; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(j) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(j)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of

law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(j)(iv) above.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(dd) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive six month period;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iii) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(vi) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(k) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(k)(vi) above within a tract must be separated by at least one-

half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(k)(vi) above.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(l) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(l)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(l)(iv) above.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not

resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 and that comply with these requirements:

(i) New uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting operations and facilities allowed on land not defined as high value farmland shall meet the performance and permitting requirements

of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(v) LC16.212(4)(q)(vi) and (vii) below apply only to applications to:

(aa) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

(bb) Allow an existing disposal site for composting that sells, or offers for sale, resulting product to add or increase the following uses (i-i) and (ii-ii) below:

(i-i) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(ii-ii) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(vi) Prior to submittal of a special use permit, the Applicant must request and attend a pre-application conference with the county pursuant to the following:

(aa) The applicant must submit a completed pre-application conference application form with the associated fee. The submittal must contain information about the proposed/existing disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(bb) The county shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.

(cc) A representative of the planning department of the county and a representative of the Department of Environmental Quality will attend the conference along with representatives, as determined necessary by the county, of the following entities:

(i-i) Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting.

(ii-ii) A state agency, a local government or a private entity that provides or would provide to the proposed disposal site for composting one or more of the following:

(aaa) Water systems.

(bbb) Wastewater collection and treatment systems, including storm drainage systems.

(ccc) Transportation systems or transit services.

(iii-iii) A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting.

(iv-iv) The Department of Land Conservation and Development.

(vi-vi) The State Department of Agriculture.

(vii) After the pre-application conference and before submittal of a special use permit, the Applicant must hold a pre-application community meeting pursuant to the following standards:

(aa) Hold a community meeting within 60 days after the preapplication conference:

(i-i) In a public location within Lane County; and

(ii-ii) On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6 p.m. and 8 p.m.

(bb) Provide notice of the community meeting to:

(i-i) The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;

(ii-ii) Residents or occupants that receive mail at the mailing address of the real property described in LC 16.212(4)(q)(bb)(i-i) above if the mailing address of the owner of record is not the mailing address of the real property;

(iii-iii) Neighborhood and community organizations recognized by the Board if a boundary of the organization is within one-half mile of the proposed disposal site for composting;

(iv-iv) A newspaper of general circulation for publication;

(v-v) Local media in a press release; and

(vi-vi) The entities described in LC 16.212(4)(q)(iv)(cc) above.

(cc) The applicant's notice provided under LC16.212(4)(q)(v)(bb) above of this section must include:

(i-i) A brief description of the proposed disposal site for composting;

(ii-ii) The address of the location of the community meeting; and

(iii-iii) The date and time of the community meeting.

(dd) During the community meeting, the applicant must provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(r) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(r)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(r)(iv) above.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995;

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(s) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(s)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(s)(iii) above.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65;

(iii) LC 16.212(10)(f) through (g) below; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(t) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(t)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(t)(iv) above.

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding; or dog training classes or testing trials that cannot be established under LC 16.212(3)(x) above that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iv) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school formerly

allowed pursuant to LC 16.212(4)(b-b), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

(aa) LC 16.212(10)(f) through (g) below;

(bb) The public or private school was established on or before January 1, 2009; and

(cc) The expansion occurs on:

(i-i) The tax lot on which the public or private school was established on or before January 1, 2009; or

(ii-ii) A tax lot that is contiguous to the tax lot described in LC 16.212(4)(b-b)(iv)(cc)(i-i) above and that was owned by the applicant on January 1, 2009.

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(b-b) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(b-b)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(b-b)(v) above.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New destination resorts are not permitted on high value farm land.

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(c-c)(ii) above, lawfully existing destination resorts described in LC 16.212(4)(c-c) above that are on high value farm land may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(d-d) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(d-d) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(e-e) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period, and that complies with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) Armed forces reserve center that complies with these requirements:

(i) The center is within one-half mile of the main campus of a community college;

(ii) An "armed forces reserve center" includes an armory or National Guard support facility; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(f-f) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(f-f)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(f-f)(iii) above.

(g-g) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community that comply with these requirements:

(i)LC 16.212(10)(f) through (g) below; and

(ii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(g-g) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(g-g)(ii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(g-g)(ii) above.

(h-h) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

(ee) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ff) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(h-h) above are not allowed on high value farm land as defined in ORS 195.300;

(iv) Notwithstanding LC 16.212(4)(h-h)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(h-h)(i) through (ii) above, but shall not be expanded to contain more than 36 holes; and

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(h-h) above within three miles of an urban growth boundary, unless an exception is approved

pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(h-h)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(h-h)(v) above.

(i-i) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities, which comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(i-i) above are allowed subject to compliance with ORS 469.504.

(j-j) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(37).

(k-k) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(38).

(l-l) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to

the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with ORS 215.246 through 215.251.

(m-m) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(n-n) A winery that complies with LC 16.212(12)(a)(i), (ii), and (iii) or LC 16.212(12)(b)(i), (ii), and (iii).

(o-o) Agri-tourism and other commercial events or activities that are related to and supportive of agriculture and that comply with these requirements:

(i) Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if in compliance with LC 16.212(4)(o-o)(iii) and (v) below; or

(ii) Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with LC 16.212(4)(o-o)(i) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial events or activities are in compliance with LC 16.212(4)(o-o)(iv) and (v) below.

(iii) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) above shall comply with the following standards:

(aa) Must be incidental and subordinate to existing farm use on the tract; and

(bb) May not, individually, exceed a duration of 72 consecutive hours.

(cc) Limited Use Permits approved under LC 16.212(4)(o-o)(i) shall be valid for two years from the date of the approval.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(i) may be renewed for an additional two years subject to:

(A) An application for renewal; and

(B) Demonstration of compliance with the provisions of LC 16.212(4)(i) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(iv) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(ii) above shall comply with the following standards:

(aa)Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(bb) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(cc) Do not exceed 18 events or activities in a calendar year.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) shall be valid for two years from the date of the approval.

(ee) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) may be renewed at four year intervals subject to:

(A) An application for renewal;

(B) Public notice and public comment as part of the review process; and

(C) Demonstration of compliance with the provisions of LC 16.212(4)(ii) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(v) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) and (ii) above shall comply with the following standards:

(aa) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(bb) LC 16.212(10)(f) through (g);

(cc) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(dd) Must comply with conditions established for:

(A) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration or the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(B) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(C) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(D) Sanitation and solid waste.

(ee) The Approval Authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under LC 16.212(4)(o-o)(i) or (ii). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The Approval Authority may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under LC 16.212(4)(o-o)(i) or (ii), including, but not limited to, grading, filling or paving.

(ff) Event or activities authorized under LC 16.212(4)(o-o) shall not be allowed at a winery which conducts events or uses authorized under LC 16.212(12) below.

(p-p) Marijuana processing, subject to Lane Code 16.420.

(5) <u>Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland</u>. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below will not be given unless any additional taxes imposed on the change in use have been paid. On January 2, 2024, the provisions in LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No.14-08).

(a) The alteration, restoration, or replacement in the same site of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property; and

(cc) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(ii) The dwelling has:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling is to be located partially or entirely within the same site as the dwelling to be replaced. For the purpose of LC 16.212(5)(a) "the same site" is defined as an area within 250 feet from the perimeter of the footprint of the established dwelling;

(iv) In the case of replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(v) A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling;

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) The approval described in LC 16.212(5)(a) above is not subject to LC 14.700 and does not expire.

(ix) If a replacement dwelling approval was issued under LC 16.212(5)(a) and expired prior to January 1, 2014, the approval is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(aa) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(bb) If the value of the dwelling was eliminated from the tax roll as a result of the destruction of the dwelling, provide evidence the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated. Destruction can include by fire, natural hazard, or by a demolition permit.

(cc) If the value of the dwelling was improperly removed from the tax roll by a person other than the current owner, provide evidence. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(ii) The dwelling has or formerly had:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(iv) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, must execute and record in Lane County Deeds and Records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The Applicant must obtain the signature of the Director on the release which states that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(v) If the dwelling formerly had features described in LC 16.212(5)(b)(ii), was removed from the tax roll as described in LC 16.212(5)(b)(i)(bb) or

(cc), or has a replacement dwelling permit that expired before January 1, 2014, then the replacement dwelling must comply with the following:

(aa) Be sited on the same lot or parcel; and

(bb) Use all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel as permitted by LC Chapters 15 and 16; and

(cc) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, site dwelling within a concentration or cluster of structures or within 500 yards of another structure.

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a decision described in LC 16.212(2)(b) above is not subject to LC 14.700 and does not expire.

(ix) If a replacement dwelling decision was issued under LC 16.212(5)(b) and expired prior to January 1, 2014, the decision is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) A relative farm help dwelling. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below;

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite", as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(9)(a); and

(iv) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to in LC 16.212(5)(c) above.

(v) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The manufactured home or recreational vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured home or recreational vehicle will comply with Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above; and

(vii) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to LC 16.212(5)(d) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) <u>Allowable Residential Uses On High Value Farmland</u>. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least $80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years;

(ii) Except as permitted in ORS 215.278 for accessory dwellings for farm workers, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(a)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling; or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above; or

(dd) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(6)(b)(ii)(dd) to be removed,

demolished, or converted to a non-residential use when farm worker housing is no longer required. “Farmworker housing” shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least $80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(viii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of “Date of Creation and Existence” in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm

dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or

parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least $80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned $80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced $80,000 in gross farm income in the last two years, or three of the last five years or an average in three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland. The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years, or three of the last five years or an average of three of the last five years $32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least $2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

(iii) LC 16.212(10)(f) through (i) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

(ii) The lot or parcel where the dwelling will be located:

(aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;

(bb) Has produced at least $20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least $20,000 in annual gross farm income; or

(cc) Is a woodlot capable of producing an average over the growth cycle of $20,000 in gross annual income; and

(iii) LC 16.212(10)(f) through (h) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or

(iii) The accessory farm dwelling will be located on:

(aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above; or

(cc) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(7)(e)(iii)(cc) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. “Farmworker housing” shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least $32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(ix) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not

be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January l, 1948, and July 1, 1983. See the definition of “Date of Creation and Existence” in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). “Contiguous” means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least $32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned $32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced $32,500 in gross farm income in the last two years, or three of the last five years or an average of three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d)

Farm Group	Size
Cash grains	120 acres
Field crops (includes grass seed production)	160 acres
Tree fruit and nuts	40 acres
Horticultural specialties	20 acres
General farm, primarily crop	320 acres
Extensive animal grazing	120 acres
Intensive animal husbandry	40 acres
Dairy farm	240 acres
General farm, primarily livestock	80 acres
Berries and grapes	20 acres
Vegetables and melons	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25	25 acres
E-30	30 acres
E-40	40 acres
E-60	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

Land preparation.
Ripping and plowing.
Fencing.
Surveying.
Crop cultivation.
Irrigation.
Herbicide; fungicide and/or fertilizer application.
Machinery.
Accessory farm buildings.
Breeding and livestock raising concerns.
Labor.
Projected expenses associated with the above.
Date by which the farm management plan would be substantially implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (q), (r), (s), (u), (v), (b-b), (e-e), (f-f), and (l-l) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of “Date of Creation and Existence” in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E-RCP) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

(m) A division of land may be allowed to create a parcel for the non-farm use identified in LC 16.212(3)(t) above provided:

(i) The parcel is not larger than the minimum size necessary for the use; and

(ii) Any additional tax imposed for the change in use has been paid.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(3)(z)(iii) and (4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(3)(z) and (4) through (9) in

order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon all other tracts shall be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the

Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Wineries. The purpose of LC 16.212(12) below is to provide for the establishment of a winery on a suitable property within the Exclusive Farm Use Zone.

(a) Facilities producing less than 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use under LC 16.212(12)(a)(i)(aa) or (bb) below, and complies with LC 16.212(12)(c) below:

(aa) The facility produces wine with a maximum annual production of less than 50,000 gallons and:

(A) Owns an on-site vineyard of at least 15 acres;

(B) Owns a contiguous vineyard of at least 15 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or

(D) Obtains grapes from any combination of the LC 16.212(12)(a)(i)(aa)(A) through (C) above.

(bb) The facility produces wine with a maximum annual production of at least 50,000 gallons and:

(A) Owns an on-site vineyard of at least 40 acres;

(B) Owns a contiguous vineyard of at least 40 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery;

(D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

(E) Obtains grapes from any combination of the requirements in LC 16.212(12)(a)(i)(bb)(A) through (D) above.

(ii) Permitted Uses. In addition to producing and distributing wine, a winery established under LC 16.212(12)(a)(i) may:

(aa) Market and sell wine produced in conjunction with the winery.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. The events on the first 6 days of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year license, subject to administrative review under the standards set forth in 16.212(12)(a)(ii)(dd)(A) below. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized be LC 16.212(12)(a)(iii) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the county may impose conditions on a license related to:

(i-i) The number of event attendees;

(ii-ii) The hours of event operation;

(iii-iii) Access and parking;

(iv-iv) Traffic management;

(v-v) Noise management; and

(vi-vi) Sanitation and solid waste

(B) If the Approval Authority issues a license under LC 16.212(12)(a)(ii)(dd) above for agri-tourism or other commercial events, the county shall review the license at least once every five years and, if appropriate, may renew the license.

(C) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized LC 16.212(12)(a)(ii)(bb), (cc), or (dd).

(ff) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in LC 16.212(12)(a)(ii)(cc) above. Food and beverage services authorized under LC 16.212(12)(a)(ii)(ee) above may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(a)(ii)(cc) through (ee) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income by third parties unaffiliated with the winery.

(hh) At the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(a)(ii)(gg) above for the previous tax year;

(iii) Special Uses – Director Approval:

(aa) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year permit submitted pursuant to LC 14.050, subject to review and notice pursuant to LC 14.100 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and

sale of wine and do not create significant adverse impacts to uses on surrounding land, the Approval Authority may impose conditions on a permit related to:

(i-i) The number of event attendees;

(ii-ii) The hours of event operation;

(iii-iii) Access and parking;

(iv-iv) Traffic management;

(v-v) Noise management; and

(vi-vi) Sanitation and solid waste;

(B) If the Approval Authority issues a permit under LC 16.212(12)(a)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(C) Complies with requirements of LC 16.212(12)(c) below.

(bb) Notwithstanding LC 16.212(12)(c)(ii)(bb) below, a setback of less than 100 feet may be permitted at the Approval Authority's discretion provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(b) Facilities producing at least 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use if it has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this LC 16.212(12)(b) and complies with the standards of LC 16.212(12)(c) below; and

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(bb) Owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(12)(b)(i)(aa) above;

(ii) Permitted Uses. In addition to producing and distributing wine, a winery described in subsection (b) of this section may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year; and

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by LC 16.212(12)(b)(ii)(bb), (cc), or (dd).

(ff) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery is limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. Except under LC 16.212(12)(b)(iii)(aa) below. A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(12)(b)(i) above.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(b)(ii)(cc) and (dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(hh) At the request of Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(b)(ii)(ff) above for the previous tax year.

(iii) Special Uses – Director Approval:

(aa) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism and other commercial events occurring on more than 25 days in a calendar year must demonstrate that the restaurant or agri-tourism and other commercial events comply with the following standards:

(A) LC 16.212(10)(f) and (g) below;

(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(C) Does not materially alter the stability of the land use pattern in the area.

(D) Application is submitted pursuant to LC 14.050, subject to review and notice pursuant LC 14.100.

(E) If the Approval Authority issues a permit under LC 16.212(12)(b)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority will review the permit at least once every five years and, if appropriate, may renew the permit;

(F) Complies with requirements of LC 16.212(12)(c) below.

(bb) Sales or delivery of items or providing services not described in LC 16.212(12)(b)(ii)(bb) or (cc) or (gg) above may be authorized under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above.

(cc) The Approval Authority may issue a permit for a winery operating under LC 16.212(12)(b) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(12)(b) in similar circumstances before August 2, 2011.

(c) Additional Requirements:

(i) Prior to the establishment of a winery under LC 16.212(12)(a) or (b) above, the applicant must show that vineyards described in LC 16.212(12)(a)(i) or (12)(b)(i) above have been planted or that the contract has been executed, as applicable.

(ii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above must demonstrate compliance with the following standards:

(aa) The winery provides parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places must be setback at least 100 feet from all property lines;

(cc) The winery must provide for direct road access and internal circulation.

(iii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above shall comply with:

(aa) The applicable requirements of LC Chapter 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations of general applicability for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(iv) Wineries that conduct agri-tourism or other commercial events under LC 16.212(4)(o-o) may not conduct agri-tourism or other commercial events or activities authorized by LC 16.212(12).

(v) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that existed on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(12)(a)(ii)(gg) or LC 16.212(12)(b)(ii)(gg) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(vi) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract as a winery established under LC 16.212(3)(g) that produced more than 250,000 gallons of wine in calendar year 2010. This does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(vii) A winery established under LC 16.212(12) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under LC 16.212(4)(c). However, the winery must comply with all provisions of LC 16.212(12)(a)(i) and (b)(i) except the annual production requirements.

(viii) When a Bed and Breakfast Accommodation Home Occupation facility is located on the same tract as a winery approved under LC 16.212(12) the facility may prepare and serve 2 meals per day to the registered guests. These meals may be served at the bed and breakfast facility or at the winery.

(ix) The Approval Authority may authorize the siting of a winery, on land used Exclusive Farm Use, pursuant to the standards that apply to a commercial activity in conjunction

with farm use under LC 16.212(4)(c) if the winery does not qualify for siting under LC 16.212(12) above or seeks to carry out uses or activities that are not authorized LC 16.212(12)(a) or (b) above.

(aa) If the Approval Authority authorizes the establishment of a winery under LC 16.212(4)(c), the gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

(x) As used in this section:

(aa) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(bb) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(*Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02;10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10, 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14)*

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CHAPTER 16 CONTENTS

LC 16.280 Goshen Industrial Zones (GI, LI)

GOSHEN INDUSTRIAL ZONES (GI, LI)
RURAL COMPREHENSIVE PLAN (RCP)

LC 16.280 Goshen Industrial Zones (GI, LI)

Sections:

(1) Purpose
(2) Definitions
(3) Land Use Categories
(4) Industrial Use Categories
(5) Applicability
(6) Site Design Review
(7) Special Use Permit
(8) Permitted Land Uses
(9) Development Standards
(10) Access and Circulation
(11) Landscaping, Fences, Walls and Screening
(12) Parking and Loading
(13) Noise Standards
(14) Outdoor Lighting Standards
(15) Signs
(16) Utility Facilities

(1) Purpose. The purpose of the Goshen Industrial zones are to promote economic growth and development that takes advantage of the significant comparative advantages of Goshen including presence of rail and highway access, while being in close proximate to the Eugene/Springfield metro area. The zones will accommodate industrial uses focusing on manufacturing and production, industrial service, research and development facilities, and accessory or supportive uses to serve the needs of these primary uses. The zones are intended to buffer incompatible industrial developments from other zones, while providing a quality environment for businesses and employees. This Section (16.280) of Lane Code guides the orderly development of Goshen urban industrial uses and is intended to:

(a) Provide for efficient use of land and public services.
(b) Promote the area's transportation and other infrastructure, and logistical advantages.
(c) Encourage economic development, expansion, and creation of jobs in the area.
(d) Increase compatibility between uses and nearby commercial and residential or resource zones.
(e) Provide appropriate design standards to accommodate a range of industrial users.
(f) Utilize industrial zoned lands for increased levels of development resulting in living wage jobs.
(g) Protect and diversify the economy of the county.
(h) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

Two different zones are intended to provide land that is appropriate for the following uses based on size, location, and other characteristics.

General Industrial (GI): The purpose of this zone is to provide opportunities for industrial uses that create jobs that pay no less that 150% of the median wage, which are essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and non-industrial uses. Additionally, it is the primary purpose of the GI zone to create a job density of 8 jobs per net buildable acre with uses that focus on rail dependent uses.

Light Industrial (LI): The purpose of this zone is to provide opportunities for light industrial uses on existing smaller properties.

These zones are identified on the County's official zoning map. The zones serve distinctly different uses as described.

(2) Definitions

(a) Industrial Use – means employment activities, including, but not limited to the use of land primarily for the manufacture, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development, that generate income from the production, processing, handling or distribution of goods and services, including goods and services in the traded sector as defined by ORS 285A.010.

(b) Commercial Use – means the use of land involving buying or selling of goods or services as the primary activity.

(c) Corporate Office/Headquarters – means a building or portion of a building in which people are employed in the management or direction of a business consisting of one or more companies, or divisions or groups of companies. This use must be directly associated with and subordinate to a permitted use or use allowed with a Special Use Permit on the same site.

(d) Non-native, invasive plants – means plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

(e) Rail dependent. A use, facility or activity that demonstrates a benefit from access to rail or can utilize or integrate access to the rail into their business operations.

(f) Rail related. Uses or facilities that are not directly dependent upon access to rail, but that provide goods or services that are directly associated with rail-dependent land or use, and that, demonstrate that if not located near rail related uses would result in a loss of quality or increase in cost of the goods or services offered.

(3) Land Use Categories

For the purpose of this Chapter uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

(a) **Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The characteristics subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

(b) **Interpretation.** When a use's category is not clearly identifiable, the Director, through an administrative action, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

(i) The description of the activity(ies) in relationship to the characteristics of each use category;
(ii) The relative amount of site or floor space and equipment devoted to the activity;
(iii) Relative amounts of sales from each activity;
(iv) The customer type for each activity;
(v) The relative number of employees in each activity;
(vi) Hours of operation;
(vii) Building and site arrangement;
(viii) Vehicles used with the activity;
(ix) The relative number of vehicle trips generated by the activity;
(x) Signs;
(xi) How the use advertises itself; and
(xii) Whether the activity would function independently of the other activities on the site.

(c) **Developments with multiple primary uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a Research and Development facility and a manufacturing and production facility, the uses would be classified in the Industrial category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

(4) **Industrial Use Categories**

(a) **Industrial Service**

(i) **"**Industrial Service" refers to the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(ii) Accessory uses may include but are not limited to offices, parking, storage, rail spur or lead lines, and docks.

(iii) Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; technology development and support centers; industrial laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

(iv) Exceptions

(aa) Contractors and others who perform Industrial Services off-site are included in the office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.

(bb) Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(b) Manufacturing and Production

(i) **"**Manufacturing and Production" refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(ii) Accessory uses may include but are not limited to offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site is allowed. Other living quarters are subject to the regulations for Residential Uses.

(iii) Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; **marijuana production and marijuana processing;** weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, computer and electronic devices; biotechnology; production of artwork and toys; sign making; production of prefabricated structures, including manufactured homes; the production of energy; and paper products processing.

(iv) Exceptions

(aa) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

(bb) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

(c) Warehouse, Freight Movement, and Distribution

(i) **"**Warehouse, Freight Movement, and Distribution" refers to the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

(ii) Accessory uses may include but are not limited to offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

(iii) Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; **marijuana wholesale sales;** major wholesale distribution centers; truck/ freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

(iv) Exceptions

(aa) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

(bb) Mini-warehouses are classified as Self-Service Storage uses.

(d) Waste-Related

(i) **"**Waste-Related" refers to uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

(ii) Accessory uses may include but are not limited to recycling of materials, offices, and repackaging and transshipment of by-products.

(iii) Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

(iv) Exceptions

(aa) Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

(bb) Sewer pipes that serve a development are considered a basic utility.

(cc) Recycling operations are not considered a Waste related use. They are classified as an Industrial Service use.

(e) Wholesale Sales

(i) **"**Wholesale Sales" refers to the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

(ii) Accessory uses may include but are not limited to offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

(iii) Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

(iv) Exceptions

(aa) Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

(bb) Firms that engage in sales on a membership basis are classified as Retail Sales and Service.

(cc) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

(5) Applicability

The provisions of this subsection of Lane Code Chapter 16, the Goshen Industrial zones, apply to all development on property zoned General Industrial (GI) and Light Industrial (LI) within the unincorporated community of Goshen. The location of the GI and LI zones are identified on the Lane County official zoning map.

Where a provision or condition imposed by a provision of this section conflicts or overlaps with another provision or condition imposed by a provision of this section or other section of Chapter 16 of Lane Code, the provision or condition imposed by a provision that is more restrictive governs.

(6) Site Design Review

(a) **Purpose.** The purpose of this subsection, Site Design Review, is to:

(i) Provide rules, regulations and standards for efficient and effective administration of land use review in the Goshen Industrial Zones;

(ii) Promote the public health, safety and general welfare;

(iii) Provide compatibility through provisions for adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

(iv) Encourage the conservation of energy resources; and

(v) Encourage efficient use of land resources, full utilization of services, mixed uses, and transportation options.

(b) **Applicability.** Site Design Review is required for all new developments and modifications of existing developments in the Goshen Industrial zones, subject to this section of Lane Code Chapter 16, in accordance with subsection (5), Applicability, of this section. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair are exempt from Site Design Review.

(c) **Application Review.** Site Design Review will be processed using the Director Review Procedure of Lane Code 14.100, and using the application requirements and approval criteria contained in subsections 6(e) and 6(f), below.

Site Design Review ensures compliance with the basic land use and development standards of the land use zone, such as setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of Lane Code as applicable.

(d) **Permit Approval and Modifications.** Applicant must not commence or authorize development until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval, and any other required land use decisions) and building permits. Applicant must not commence or authorize construction of public improvements until the County has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The County may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements.

Modification of application for a Site Design Review or Special Use Permit application means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following components: proposed

uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

(i) An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process.

(ii) The Approval Authority may not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 150-day review period as of the date the modification is submitted. The 150-day review period for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.

(iii) The Approval Authority may require that the application be re-noticed and additional hearings be held.

(iv) Up until the day a hearing is opened for receipt of oral testimony, the Director has sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Approval Authority makes such determinations. The Approval Authority's determination on whether a submittal constitutes a modification is appealable to LUBA after a final decision is entered by the County on an application.

(e) **Site Design Review - Application Submittal Requirements.** All of the following information is required for Site Design Review application submittal:

(i) **Site Design Review Submission Requirements**. An application for Site Design Review must contain all of the information required under Lane Code 14.050. In addition an applicant for Site Design Review must provide the following additional information, as deemed applicable by the Director. The Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the Approval Authority:

(aa) **Site analysis map**. (existing conditions) At a minimum the site analysis map must contain the following:

(A) The applicant’s entire property and the surrounding property to a distance sufficient to determine the location of the development in the County (minimum of 250 feet), and the relationship between the proposed development site and abutting property

and development. The property boundaries, dimensions and gross area must be identified;

(B) Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;

(C) Identification of slopes greater than 25 percent;

(D) The location and width of all existing: utilities, public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

(E) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the County or State as having a potential for geologic hazards;

(F) Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the County or any natural resource regulatory agencies as requiring protection;

(G) Site features, including existing structures, pavement, large rock outcroppings, drainage ways, canals and ditches;

(H) Locally or federally designated historic and cultural resources on the site and abutting parcels or lots;

(I) The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;

(J) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

(K) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

(bb) **Proposed site plan.** The site plan must contain the following information:

(A) The proposed development site, including boundaries, dimensions, and gross area;

(B) Features identified on the existing site analysis maps that are proposed to remain on the site;

(C) Features identified on the site analysis map, if any, which are proposed to be removed or modified by the development;

(D) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

(E) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site including outdoor storage areas, fencing, etc. All impervious and pervious areas must be delineated. Setback dimensions for all existing and proposed buildings must be provided on the site plan;

(F) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

(G) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

(H) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to abutting properties, and any bicycle lanes or trails;

(I) Loading and service areas for waste disposal, loading and delivery;

(J) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

(K) Location, type, and height of outdoor lighting;

(L) Location of mail boxes, if known;

(M) Name and address of project designer, if applicable;

(N) Locations of bus stops and other public or private transportation facilities;

(O) Locations, sizes, and types of signs;

(cc) **Architectural drawings.** Architectural drawings demonstrating compliance with subsection (9)(e), Design Standards, below, and showing one or all of the following are required for new buildings and major remodels:

(A) Building elevations (as determined by the County Director) with building height and width dimensions;

(B) Building materials, colors and type;

(C) The name of the architect or designer.

(dd) **Preliminary grading plan**. A preliminary grading plan prepared by a registered engineer is required for development sites ½ acre or larger. The preliminary grading plan must show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with subsection (16)(d), Stormwater Management Requirements.

(ee) **Landscape plan.** A landscape plan is required demonstrating compliance with the provisions of subsection (11), Landscaping, Fences, Walls and Screening, below, and must show the following:

(A) The location and height of existing and proposed fences, buffering or screening materials;

(B) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

(C) The location, size, and species of the existing and proposed plant materials (at time of planting);

(D) Existing and proposed building and pavement outlines;

(E) Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;

(F) Other information as deemed appropriate by the County Director.

(ff) Sign drawings must detail the location, size, and colors of any proposed signs.

(gg) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

(hh) Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in subsection (6)(f), Site Design Review Approval Criteria.

(ii) Traffic Impact Study, when required in accordance with subsection (16)(b), Roads, below, a traffic study must be prepared in accordance with the road authority's requirements. See Lane Code 15.696-15.697 for relevant standards.

(jj) Other information. When determined by the Director, the County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code including but not limited to:

(A) Public Facilities and Services Impact Study. An impact study when required must quantify and assess the effect of the development on public facilities and services. The scope of the study will be determined by the County during the pre-application conference. For each public facility system and type of impact, the study must propose improvements necessary to meet County standards;

(B) In situations where this Code authorizes the dedication of real property to the County, in order for the County to include the dedication as a condition of approval the County must include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services.

(f) **Site Design Review Approval Criteria.** The Approval Authority must make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

(i) The application is complete, as determined in accordance with Land Code 14.050 and subsection (6)(e), Site Design Review – Application Submittal Requirements, above.

(ii) The application complies with all of the applicable provisions of the underlying Land Use Zone, including: setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of subsections (8), Permitted Land Uses, and (9), Development Standards including special standards as may be required for certain land uses.

(iii) The applicant is required to upgrade any existing development that does not comply with the applicable land use zone standards, in conformance with section (5) and Lane Code Chapter 16.251, Non-Conforming Uses.

(iv) The application complies with all of the following Standards as applicable:

(aa) subsection (10) - Access and Circulation;

(bb) subsection (11) - Landscaping, Fences, Walls and Screening;

(cc) subsection (12) - Parking and Loading;

(dd) subsection (13) – Noise Standards;

(ee) subsection (14) – Outdoor Lighting Standards;

(ff) subsection (15) – Signs;

(gg) subsection (16) – Utility Facilities.

(g) Existing conditions of approval required as part of a prior Land Division, Special Use Permit, Site Plan/Design approval or other approval must be met when the development under the previous approval is proposed to continue to exist.

(7) Special Use Permit

The County must approve, approve with conditions, or deny an application for a Special Use Permit or to enlarge or alter a Special Use based on findings with respect to each of the following standards and criteria:

(a) Use Criteria

(i) The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

(ii) Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval that include but are not limited to those listed in below.

(b) **Site Design Standards**. Where appropriate, the procedures, submittal requirements, and approval criteria for Site Design Review approval listed in subsection (6); Site Design Review must be met.

(c) **Conditions of Approval**. The County may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. The County may impose as many of these and other applicable conditions on one

conditional use application as it finds necessary. These conditions include, but are not limited to, the following:

(i) Limiting the hours, days, place and/or manner of operation;

(ii) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

(iii) Requiring larger setback areas, lot area, and/or lot depth or width than those required;

(iv) Limiting the building height, size or lot coverage, and/or location on the site;

(v) Designating the size, number, location and/or design of vehicle access points or parking areas;

(vi) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, is roughly proportional and has a nexus to the impact of the proposed development;

(vii) Requiring landscaping, screening, stormwater management facilities, and/or improvement of parking and loading areas;

(viii) Limiting the number, size, location, height and/or lighting of signs;

(ix) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

(x) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

(xi) Requiring and designating the size, height, location and/or materials for fences;

(xii) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

(xiii) Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with adopted plans, so long as findings in the development approval indicate how the dedication and/or construction, if not voluntarily accepted by the applicant, is roughly proportional to the impact of the proposed development. Dedication of land and design and construction must conform to the provisions of this Chapter.

(8) Permitted Land Uses

(a) Permitted Uses. The land uses listed in Table 8-1 may be permitted in each of the applicable zoning zones as listed in Table 8-1, subject to the provisions of this section. Only land uses that are specifically listed in Table 8-1, and land uses that are approved as "similar" to those in Table 8-1, may be permitted.

(b) Determination of Similar Land Use. Following submittal of an application under LC 14.050 and 14.100, uses and development similar to uses and development in Table 8-1 may be allowed if found by the Director to be "clearly similar" to the uses and development allowed by Table 8-1. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria. The Director must make findings that such use is "clearly similar" based on the following criteria:

(i) The use and development are consistent with the purpose of this section.

(ii) When compared with the uses and development permitted by Table 8-1, the use and development are similar to one or more of these uses and development based on 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 and the number of jobs created on the site.

(iii) The use and development do not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information must be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide onsite sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development do not result in public health hazards or adverse environmental impacts that violate state or federal regulations.

(v) The use and development comply with the other applicable provisions of this Chapter.

Similar use determinations that are not "clearly similar" because they do not meet the standards above, must be made in conformance with the procedures in Lane Code Chapter 16.008; Interpretations.

(c) Existing Uses. Existing lawfully established uses within an industrial zone located within the Unincorporated Community of Goshen prior to the date of adoption of the ordinance implementing this Chapter constitute permitted uses. Expansion or enlargement of the above pre-existing lawfully established uses or structures are subject to the provisions of Lane Code 16.292 and other sections as applicable.

Table 8-1: Permitted Land Uses

Land Use	GI	LI
Industrial		
Manufacturing and production	-	-
Rendering plant/facility	**N**	**N**
Slaughter house/facility	**N**	**N**
Uses with a total building size of not more than 40,000 square feet	**P**	**P**
Rail dependent use over 40,000 square feet	**P**	**P**
Rail related use over 40,000 square feet on sites without rail access	**P**	**P**
Non-rail dependent or non-rail related use over 40,000 square feet	**N**	**P**
Industrial Service	**S***	**P**
Towing, vehicle storage, auto and truck salvage and wrecking	**N**	**S**
Truck stops	**N**	**S**
Warehouse , Freight Movement, and Distribution	**S***	**S**
Waste-Related uses	**N**	**N**
Wholesale sales	**N**	**N**
Residential		
One caretaker unit is permitted for each development *NOTE: Other residential uses are not permitted, however, residences existing prior to the effective date of this Code may continue subject to the standards in Chapter 16.251 Non-Conforming Uses and Developments.*	**P**	**P**
Commercial		
Commercial/retail uses – existing properties with past commercial uses	**P***	**N**
Vehicle, equipment and boat repair, rental, storage, service	**N**	**N**
Medical and dental laboratories and large animal veterinary clinics	**N**	**N**
Outdoor Commercial Uses (*e.g.*, outdoor storage, Building and garden supply)	**N**	**N**
Small-scale personal and professional services (*e.g.*, child care, fitness center, coffee shop / deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses) • up to 2500 square feet or 1% of gross floor area (whichever is greater)	**P***	**P***
Equipment Rental and Repair services	**N**	**S**
Corporate Office/Headquarters	**P***	**P***
Mini-storage Warehouse	**N**	**N**
Contractor business	**N**	**P**
Heavy equipment sales	**N**	**S**
Ambulance Service/Transportation yards	**N**	**N**
Commercial parking lot	**N**	**N**
Recreation Facility (privately owned)	**N**	**N**
Public and Institutional		
Government facilities where the public is generally not received. (*e.g.*, public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)	**N**	**S**
Utilities (above ground)	**P***	**P***
Special district and Public Safety facilities (*e.g.*, utility district, fire station, and similar facilities)	**S**	**S**
Vocational schools	**N**	**S**

Public Park and Recreation Facility	**N**	**S**
Miscellaneous Uses		
Wireless and Broadcast Communication Facilities (See LC 16.264)	**P**	**P**

Key to Zones:
GI = General Industrial Zone
LI = Light Industrial Zone

Key to Permitted Uses
P = Permitted; subject to subsection (6).
N = Not Permitted.
S = Special Use Permit required, subject to subsection (7).
***** = Subject to Standards for Certain Uses (subsection (9)(g)).

(9) Development Standards

(a) Setbacks. Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in the following subsection. (e.g., for combustible materials, etc.)

(i) Front Yard Setbacks.

(aa) General Industrial (GI) Zone: The minimum front yard setback is 20 feet.
(bb) Light Industrial (LI) Zone: The minimum front yard setback is 10 feet.
(cc) Exceptions:

(A) Other special setbacks in conformance with Lane Code 15.065-15.095, Building Setback Requirements may apply.

(ii) Rear Yard Setbacks. There is no required rear yard setback in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion of the use may be constructed or placed closer than 20 feet from the property line of the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

(iii) Side Yard Setbacks. There are no required side-yard setbacks in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion thereof may be constructed closer than 20 feet to the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

Table 9-1: Development Standards

Standard	Light Industrial (LI)	General Industrial (GI)
Minimum Front Yard	10’	20’
Minimum Rear Yard*	0’/20’*	0’/20’*
Minimum Side Yard*	0’/20’*	0’/20’*
Maximum Lot Coverage	80%	80%
Base Building Height**	65’	65’
Property size (lot, parcel, or unit of land)	Minimum N/A Maximum N/A	Minimum 35 acres Maximum N/A

Note: Setbacks are measured from the minimum right of way widths established in Lane Code Chapter 15.
*Subject to the provisions of subsection 9(a); Setbacks
**Subject to the provisions of subsection 9(c); Building Height

(iv) **Corner Lots and Through Lots**. For buildings on properties with more than one street frontage or through lots, the minimum front yard setback standards in Table 9-1 applies to all street frontages.

(b) **Lot Coverage.** The lot coverage standards are intended to provide flexibility in development while ensuring some provision of open space for landscaping and stormwater management.

The maximum allowed lot coverage in the General Industrial (GI) and Light Industrial (LI) zones is 60 percent (60%). The maximum allowed lot coverage is computed by calculating the total area covered by buildings including accessory structures, and comparing this figure with the total area of the development site. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

(c) **Building Height.** The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

(i) **Height Requirements**

Base Height. The base height for buildings and structures in the General Industrial (GI) and Light Industrial (LI)zones is sixty five feet (65') in height and must comply with the building setback standards in subsection 9(a); Setbacks above.

The height limits are subject to the provisions of Lane Code (LC) 16.250(5)(a) and (b).

(ii) **Exceptions**

The allowable height may be increased over the base height when:

(aa) For a use located on a property or in a building that is within 100 feet of a residential or resource zone, the height may be increased over the base height through one of the following means:

(A) The minimum required setbacks are increased ½ foot for every foot over the base height;
(B) Stepping-back of building height ½ foot for every foot over the base height;

and when a Special Use Permit is approved subject to the Special Use Permit criteria and when one or more of the mitigation methods specified below under (iii) are applied.

(bb) For a use located on a property that is not within 100 feet of a residential or resource zone, the height may be increased over the based through one on the following means:

(A) The minimum required setbacks are increased ½ foot for every foot over the base height;

(B) Stepping-back of building height ½ foot for every foot over the base height;

and when one or more of the following mitigation methods are applied.

(iii) Mitigation Methods.

(aa) visual buffering or screening is provided to mitigate the additional height from surrounding properties; and/or

(bb) other appropriate measures to provide a height transition between industrial development and abutting residential or resource zoned property.

Non-conforming uses that are lawfully in existence at the time this ordinance is adopted may continue to operate in conformance with Lane Code 16.251; Non-Conforming Uses.

(d) Property Size. One of the necessary components to provide an adequate supply of large economic development land is to ensure that there are large property sizes available for employment uses. The minimum property size limit for properties (lots, parcels, or units of land) within the GI zone are regulated to ensure efficient utilization of the existing industrial zoned land within the community of Goshen.

Table 9-2: Property Size

Standard	Light Industrial (LI)	General Industrial (GI)
Property size (lot, parcel, or unit of land)	Minimum N/A Maximum N/A	Minimum 35 acres Maximum N/A

(e) Land Division Standards. Land divisions of GI zoned properties that have rail access shall preserve rail access for all newly created lots or parcels.

(f) Design Standards.

(i) Orientation. In order to minimize adverse impacts of parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy of abutting non-industrial zoned properties the following standards apply to all development in the Industrial zones when abutting to a non-industrial zone.

(aa) Openings. No openings other than code required egress intended for emergency use, are allowed on any side of a building facing the non-industrial use unless approved through a Special Use permit;

(bb) **Front Entrance.** The front/main entrance of the primary building on a property must be oriented to the street frontage and away from any abutting non-industrial zone unless approved through a Special Use Permit;

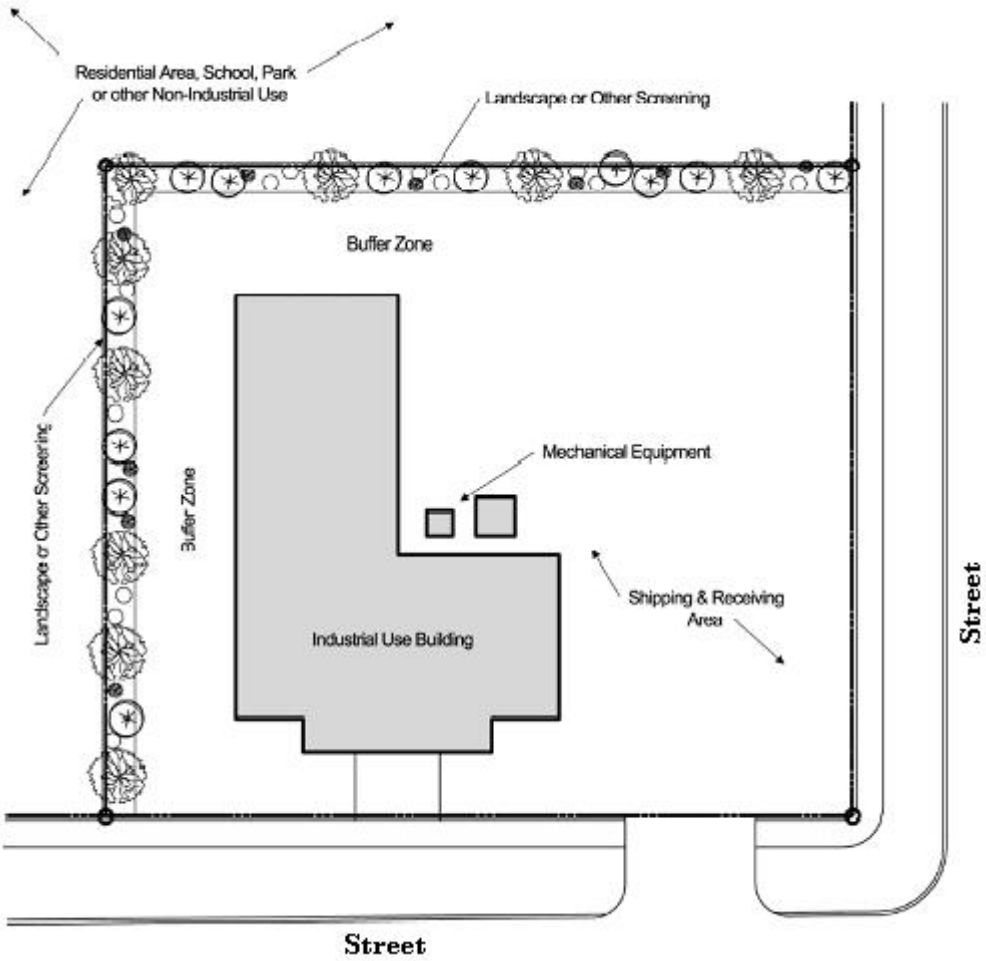
(cc) **Equipment Standard.** Mechanical equipment, outdoor storage and outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building, must be located a minimum of 20 feet away from abutting residential or resource zones, schools, and parks, unless approved through a Special Use Permit;

Mechanical equipment, outdoor storage, outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building must be screened from view from all abutting public streets and abutting residential or resource zoned properties, schools, and parks, unless approved through a Special Use Permit. When screening is required, such screening must be a minimum of 6 feet in height and provided by:

(A) a decorative sight obscuring wall (i.e., wood, masonry or similar quality material),
(B) evergreen hedge,
(C) opaque/sight obscuring fence complying with subsection (11), or
(D) a similar feature that provides an opaque/sight obscuring barrier.

Walls, fences, and hedges must comply with subsection (11), Landscaping, Fences, Walls and Screening; the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40); and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.

Figure 9-1 - Development Orientation



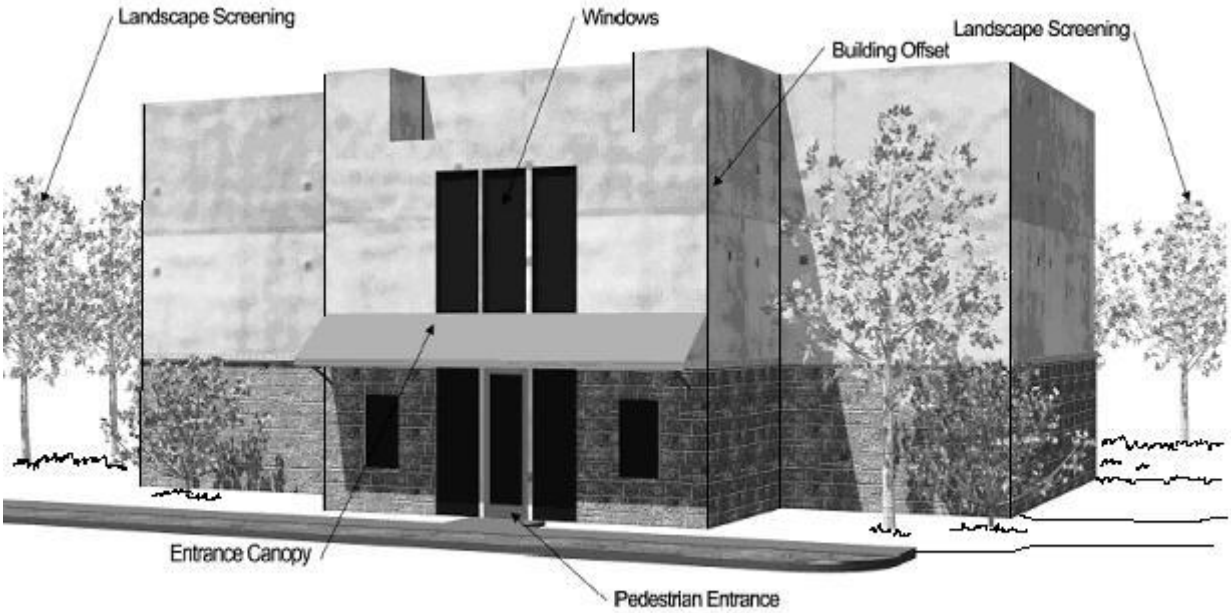
(ii) **Architectural Standards.** All developments in the Industrial Zones must be evaluated during Site Design Review for conformance with the criteria below:

(aa) **Building Mass.** Where building elevations are oriented to the street, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, must be used to break up and articulate large building surfaces and volumes greater than 75 linear feet in length. A minimum of 15% of the horizontal building façade must contain a variety of architectural features. The horizontal building elevation facing Highway 99 or Hampton Road in all development within the Industrial Zone with lots fronting on Highway 99 or Hampton Road must provide a minimum of 30% of the architectural features as described above.

Buildings over 10,000 square feet in size must incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes. Such changes may include building offsets;

projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; windows, and screening trees. The maximum width or length of a building may not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Special Use Permit.

Figure 9-2 - Architectural Features (Typical)



Note: Figure above is intended to illustrate typical building design elements, and should not be interpreted as a required architectural style.

(g) **Standards for Certain Uses.** The Industrial Zones accommodate a range of manufacturing, industrial office uses, and secondary small-scale personal service Commercial Uses.

(i) **Small Scale personal and professional services.** Small scale personal and professional service uses as specified in Table 8-1 must comply with the following development standards:

(aa) Small-scale personal and professional service uses may only be allowed when it is demonstrated that they will be secondary to the primary use of the building or development. No more than 2,500 square feet or 1% of the total square feet, whichever is greater, of a permitted use or use allowed with a Special Use Permit may be occupied by a secondary small-scale personal and professional service use.

(ii) **Accessory Uses and Structures**. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures not intended for habitation by people. Accessory uses and structures are allowed for all permitted land uses within the Industrial Zones. All accessory structures must have a building permit if required and comply with all of the following development standards:

(aa) Primary use required. An accessory structure or use is not allowed on a lot before an allowed primary use is established.

(bb) Restrictions. Accessory uses and structures may not be placed over an easement where such placement would be inconsistent with use of the easement, and may not encroach into the public right-of-way.

(cc) Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

(dd) Setback Standards. Accessory structures must comply with the setback standards of the underlying zone.

(iii) **Industrial Service uses in GI zone.** Industrial service uses are only allowed in the GI zone when secondary and subordinate to an approved primary use, and when the use is demonstrated to satisfy the following:

(aa) Create a job density of 8 jobs per net buildable acre at build out of the proposed use.

(iv) **Commercial/retail uses – existing properties with past commercial uses.** Commercial/retail uses are permitted on a property(ies) with a history of commercial/retail use where the primary use is located on a property that prior to the date of the adoption of this section was under ¼ acre is size. The use is subject to other applicable sections of this chapter. Any modification, addition, or alteration of the previous use or structures related to the use are subject to the applicable provisions of this Section 16.280. No commercial/retail use under this provision may exceed 3000 square feet in size.

(v) **Utilities.** Utility uses include the erection, construction, alteration, or maintenance of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including utility poles, wires, drains, sewers, pipes, conduits, cables and other similar equipment and accessories located outside of the public right of way.

Utility uses are only those conducted or operated by a public utility of municipal or other governmental agencies or licensed franchise.

Utility poles may exceed the height limits otherwise provided for in the applicable zone. In considering an application for a public or licensed franchise utility use, the Approval Authority must determine that all utility poles, overhead wires, pumping stations, equipment shelters and similar gear are located, designed and installed as to minimize their visual impacts. The Approval Authority may require screening as a condition of approval.

(vi) **Corporate Office/Headquarters.** This use is only allowed when directly associated with and subordinate to a primary permitted use or use allowed with a Special Use Permit on the same site. The portion of the corporate office/headquarter use must not exceed 25% of the square footage of the total building size for the entire primary use.

(vii) **Warehouse, Freight Movement, and Distribution.** Warehouse, Freight Movement, and Distribution uses are only allowed in the GI zone when secondary and subordinate to an approved primary use, and when the use is demonstrated to satisfy the following:

(aa) Create a job density of 8 jobs per net buildable acre at build out of the proposed use.

(10) Access and Circulation

(a) **Purpose.** The purpose of this subsection, Access and Circulation is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. The requirements of this subsection apply in addition to the provisions of Lane Code Chapter 15.

(b) Vehicular Access and Circulation

(i) **Access.** The access and facility permit provisions of Lane Code 15 must be met.

(ii) Construction

(aa) **Surface Options.** On site driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials may be subject to review and approval by the County Engineer.

(bb) **Stormwater Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds must have on-site collection of surface waters to eliminate sheet flow of such waters onto

public rights-of-way and abutting property. Surface water facilities must be constructed in conformance with subsection (16)(d), Stormwater Management Requirements, and applicable engineering standards.

(c) Pedestrian Access and Circulation

(i) Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments must provide a continuous pedestrian system. The pedestrian system must be designed to meet the standards below:

(aa) Continuous Walkway System. An on-site pedestrian walkway system must connect within the development according to (cc)(A-C) below, and connect to any future phases of development, and to any existing or planned off-site abutting trails, public parks, and open space areas unless approved through a Special Use Permit. The developer may also be required to connect or stub walkway(s) to abutting streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of subsection (10)(b), Vehicular Access and Circulation, and subsection (16)(b), Roads.

(bb) Safe, Direct, and Convenient. Walkways within developments must provide safe, reasonably direct, and convenient connections between primary building entrances and all abutting streets, based on the following definitions:

(A) Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.

(B) Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(C) "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections must be provided to the main employee entrance.

(cc) Connections within Development. Connections within developments must be provided as required in subsections (A)-(C), below:

(A) Walkways must connect all building entrances to one another, as generally shown in Figures 10-1 through 10-3;

(B) Walkways must connect all on-site parking areas, storage areas, recreational facilities and common areas, and must connect public off-site abutting uses to the site. Topographic or existing

development constraints may be cause for not making certain walkway connections;

(C) Large parking areas must be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features, Street-like features, for the purpose of this subsection, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

Figure 10-1 - Pedestrian Walkway System (Typical)

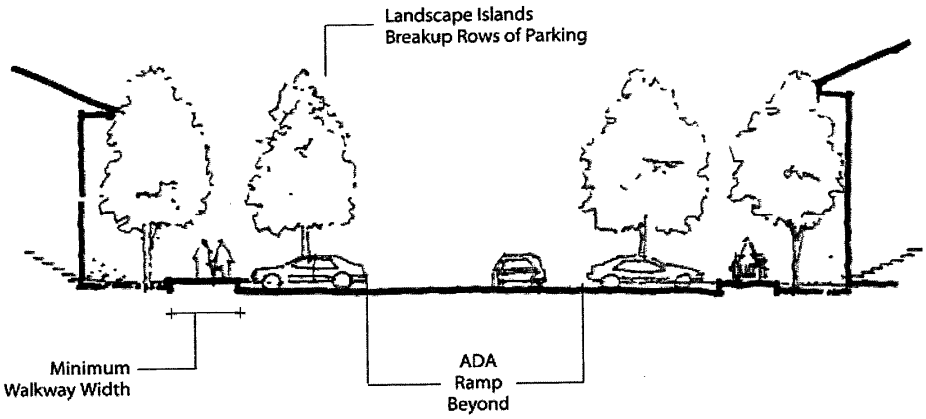
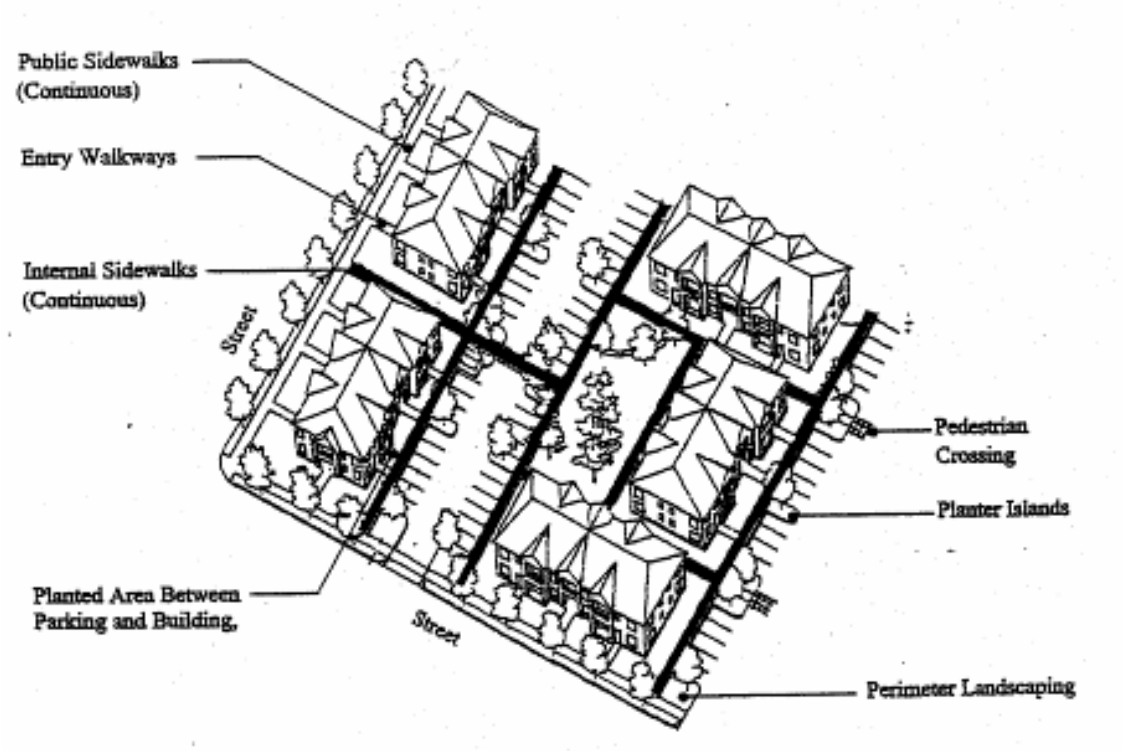


Figure 10-2 - Pedestrian Walkway System (Typical)



(ii) **Walkway Design and Construction.** Walkways, including those provided with pedestrian access ways, must conform to all of the standards in subsections (aa)-(dd) below, as generally illustrated in Figures 10-1 through 10-3:

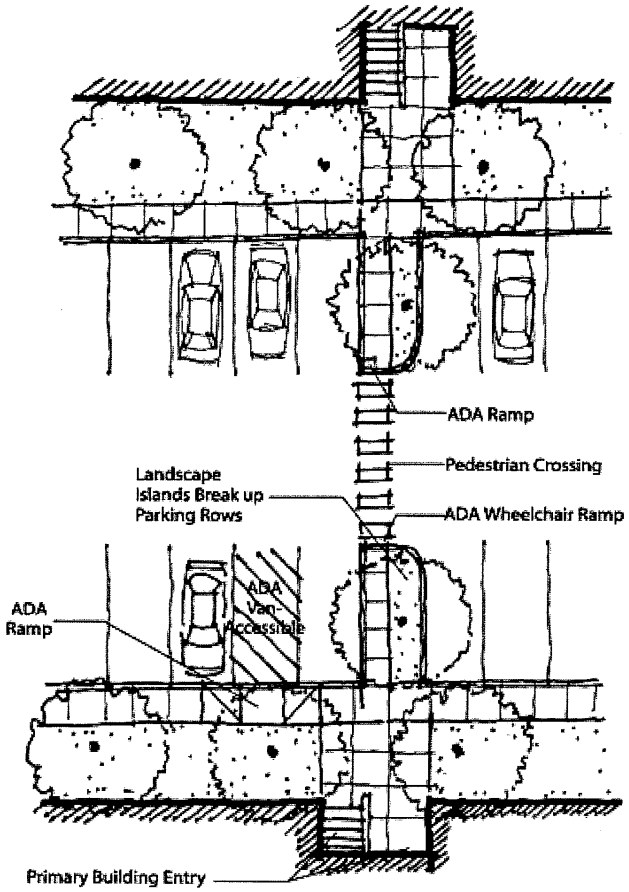
(aa) **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, walkways must be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

(bb) **Crosswalks.** Where walkways cross a parking area, driveway, or street ("crosswalk"), they must be clearly marked with contrasting paving materials (*e.g.*, light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

(cc) **Walkway Width and Surface.** Walkway and accessway surfaces must be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the County Engineer, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) must be concrete or asphalt, at least 10 feet wide.

(dd) **Accessible routes.** Walkways must comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street must provide ramps that are ADA accessible, and walkways must provide direct routes to primary building entrances.

Figure 10-3 - Pedestrian Walkway Detail (Typical)



(11) Landscaping, Fences, Walls and Screening

(a) Purpose. The purpose of this subsection, Landscaping, Fences, Walls and Screening is to promote community health, safety, and welfare by setting development standards for landscaping, fences, walls and screening. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

(b) Landscaping

(i) Applicability. This subsection applies to all new developments requiring Site Design Review.

(ii) Landscaping Plan Required. Submittal of a landscape plan is required. All landscape plans must conform to the requirements in subsection (6)(e)(i)(ee) (Landscape Plans).

(iii) Landscape Area Standards. The minimum percentage of required landscaping equals:

(aa) General Industrial (GI) Zone. 20 percent of the site.

(bb) Light Industrial (LI) Zone. 10 percent of the site.

(iv) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.

(aa) Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or abutting to parking areas) the applicant is permitted to reduce the number of new trees required by a ratio of one (1) inch caliper of new tree(s) for every one (1) inch caliper of existing tree(s) protected.

(bb) Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers must be used for all planted areas, the selection of which must be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils must be amended, as necessary, to allow for healthy plant growth.

(cc) **Non-native, invasive plants**. Non-native, invasive plants must be removed during site development and the planting of new invasive species is prohibited.

(dd) **Hardscape features**. Includes patios, decks, plazas and similar features. These features may cover up to ten 10 percent of the required landscape area.

(ee) **Ground Cover Standard.** All landscaped areas, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material, must have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy within three (3) years of planting.

(ff) **Tree Size.** Trees must have a minimum diameter or caliper 4 feet above grade of two [2] inches or greater at time of planting.

(gg) **Shrub Size.** Shrubs must be planted from a minimum of 3 gallon containers or larger.

(hh) **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but must cover no more than 25 percent of the area to be landscaped and must be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

(ii) **Stormwater Management Facilities.** Stormwater management facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under subsection (16)(d), must be landscaped in accordance with the design requirements of that subsection.

(v) **Landscape Design Standards.** All yards, parking lots, and required street tree planter strips must be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

(aa) **Yard Setback Landscaping.** Landscaping in yards must:

(A) Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;

(B) Use shrubs and trees as wind breaks where appropriate;

(C) Define pedestrian pathways and open space areas with landscape materials where appropriate;

(D) Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants where appropriate;

(E) Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;

(F) Use a combination of plants for year-long color and interest;

(G) Screen outdoor storage and mechanical equipment areas in accordance with subsection (11)(d) below, and to enhance graded areas such as berms, swales, and detention/retention ponds or swales.

(bb) **Parking areas.** A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, must be landscaped. Such landscaping must consist of "evenly distributed" shade trees where practical, with shrubs and/or ground cover plants that conform to the criteria in subsection (11)(b)(iv)(aa-ii) above.

"Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy where practical. Required trees may be clustered to provide visual interest. At a minimum, one tree per 6 parking spaces on average must be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 50 spaces must include landscape islands with trees to break up the parking area so that no parking space is more than 70 feet away from a landscape island. All parking area landscape beds must have dimensions of not less than 24 square feet of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.

(cc) **Parking/Maneuvering Area Abutting to Building.** Where a parking or maneuvering area, or driveway, is abutting to a building, the area must be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width along the length of the abutting area. Raised curbs, bollards, wheel stops, or other design features must be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

(vi) **Buffering**

(aa) A 20-foot minimum buffer zone is required between Industrial development in either the GI or LI zone and any abutting residential or resource zoned property. The buffer zone must be landscaped according to the landscaping provisions of this subsection to screen industrial activities such as parking, service and delivery areas, from residential or resource zones. The buffer must not contain any trash receptacles or storage of equipment, materials, vehicles, or mechanical equipment, etc.

For uses that require a Special Use Permit, the approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in this subsection when it finds through Special Use Permit review, subsection (7), that additional or different buffering is necessary to mitigate adverse impacts from parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy.

(bb) **Pedestrian Access.** The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways must conform to subsection (10), Parking and Loading.

(vii) **Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged. Irrigation must be provided. If the plantings fail to survive, the property owner must replace them within 6 months with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All human-made features required by this Chapter must be maintained in good condition, or otherwise replaced by the owner.

(c) **Fences and Walls.** Construction of fences and walls must conform to all of the following requirements:

(i) **General Requirements.** All fences and walls must comply with the development standards and height limitations of the respective zone, subsection (9) Development Standards, and the standards of this subsection. The County may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a Special Use Permit, or Site Design Review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review approval; if greater than 6 feet in height, a building permit is also required.

(ii) **Dimensions**

(aa) Except as provided under subsection (11)(d), Screening, below, the height of fences and walls within a front yard setback is limited to 4 feet as measured from the grade closest to the street right-of-way.

(bb) A retaining wall exceeding 4 feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or Site Design Review.

(cc) One arbor, gate, or similar garden structure not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle, unless approved through a Special Use Permit.

(dd) Fences and walls must comply with the vision clear zone of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40).

(iii) **Maintenance.** For safety and for compliance with the purpose of this subsection, walls and fences required as a condition of development approval must be maintained in good condition, or otherwise replaced by the property owner.

(iv) **Materials**

(aa) Permitted fence and wall materials: wood; metal; bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

(bb) Prohibited fence and wall materials: concrete blocks; straw bales; barbed or razor wire; scrap lumber, metal, or other scrap materials; hedges higher than 8 feet.

(cc) Fences or walls that are taller than 6 feet may require a building permit.

(v) **Fencing**

(aa) **Perimeter Fencing.** Lot perimeter fencing is only permitted within the Industrial zones under the conditions set forth in Table 11-1, Fencing Conditions.

(bb) **Standard Fencing.** Standard non-decorative fencing may be installed in areas not visible from street rights of way or adjoining properties within the Industrial zones. Standard fencing also may be used as specified in Table 9-1. A minimum quality of standard fencing is black vinyl-coated chain link.

(cc) **Upgraded Fencing.** Upgraded fencing must be provided as specified in Table 11-1. Upgraded fencing is intended to provide limited security, discourage trespass, and provide an informative demarcation between

uses (e.g., public / private, institutional / private / public, etc.). Design considerations for upgraded fencing must include:

(A) Simplicity as opposed to excessive ornamentation.
(B) Low maintenance / ease of landscape maintenance on each side.
(C) Respect for the design theme of established development on abutting parcels.
(D) A clear relationship to the building's architecture.
(E) Consideration of a standard design where a large property shares a common boundary with several smaller properties.

(dd) **Architectural Screen Walls.** Architectural screen walls must be used to screen service and loading areas; above-ground utilities such as transformers and generators, exterior material and equipment storage areas, work yards, and trash and/or recycling areas. Architectural screen walls may be used to screen other on-site amenities such as private patios and employee break areas. Architectural screen walls must be integrated into the overall building architectural statement, employing materials and colors drawn from the building design palette. The required size of an area enclosed by an architectural screen wall is the minimum necessary to accommodate the facility or operation that is to be screened.

(vi) **Fencing on Steep Slopes.** Properties with more extreme variations in topography (e.g., substantial slopes abutting to relatively flat areas) must employ fencing and/or screening design approaches that are thoughtfully integrated with the site's unique characteristics while fulfilling the overall functional intent of these features. Stair-step fence profiles are not allowed.

Table 11-1 Fencing Conditions

Condition	Sub-condition	Required Treatment (Minimum Standard)
Property line adjacent to a public right of way.	Improved right of way.	Upgraded fencing.
	Unimproved right of way.	No requirement prior to development.
Property line adjacent to the railroad right of way.		Standard Fencing.
Property line on the west or south perimeter of the Goshen Industrial area.	Adjacent to residential or resource zoned property.	Standard Fencing.
	Adjacent to Commercial zoned property.	Upgraded Fencing.
	Adjacent to permanent open space.	Upgraded Fencing.
	Adjacent to Public Facility zoned property.	Standard Fencing
Property line adjacent to a park or open space.		Upgraded Fencing.
Property line on the east perimeter of the Goshen Industrial area.	Adjacent to residential or resource zoned property.	Upgraded Fencing.
	Adjacent to commercial zoned property.	Upgraded Fencing.
Fencing/Screening around a Loading or Exterior storage area.	Visible from the right of way.	Architectural Screen Wall.
	Not visible from the right of way.	Standard Fencing.
Screening around a trash and/or recycling enclosure or exterior storage.		Architectural Screen Wall.
Fencing around a secure parking lot.	Visible from the right of way.	Upgraded Fencing.
	Not visible from the right of way.	Standard Fencing.

(d) Screening

Screening Required. Screening is required under the following conditions:

(i) Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, must be screened from view from all abutting public streets and abutting residential or resource zones. This required screening is required to be a minimum of 6 feet in height and provided by:

(aa) a decorative wall (i.e., masonry or similar quality material);
(bb) evergreen hedge;
(cc) opaque fence complying with subsection (11)(c); or
(dd) a similar feature that provides an opaque barrier.

Walls, fences, and hedges must comply with the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40) and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.

(ii) **Parking/Maneuvering Area Abutting Streets and Drives.** Where a parking or maneuvering area is abutting and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; or arcade, trellis, or similar partially opaque structure 3-4 feet in height is required between the parking or maneuvering area and the street or driveway. The required screening must have breaks, where necessary, to allow pedestrians access to the site. The design of the wall or screening must also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard must be a minimum of 36 inches in height within three (3) years of planting, and must be of such species, number, and spacing to provide the required screening within three (3) years after planting. Any areas between the wall/hedge and the street/driveway line must be landscaped with plants or other vegetative ground cover.

(iii) **Flag Lot Screen.** In approving a flag lot, the County may require a landscape screen, fence or both be installed along property line(s) of the flag lot, for privacy of adjoining property, in accordance with the provisions of this subsection. A flag lot screen is not required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at the owner's discretion.

(12) Parking and Loading

(a) **Purpose.** The purpose of this subsection, Parking and Loading, is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some employment areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This subsection recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This subsection also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

(b) **Applicability.** All developments subject to Site Design Review, subsection (6) including development of parking facilities, must comply with the provisions of this subsection.

(c) Automobile Parking Standards

(i) Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces must be determined in accordance with the standards in Table 12-1, <u>or</u> alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Special Use Permit approval. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

Table 12-1 – Minimum Required Parking by Use

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Commercial Categories	
Offices	2 spaces per 1,000 sq. ft. floor area
Self-Service Storage	No standard
Industrial Categories	
Industrial Service	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area
Wholesale Sales - fully enclosed - not enclosed	 1 space per 1,000 sq. ft. per SUP review (subsection (7))

(ii) Vehicle Parking - Minimum Accessible Parking

(aa) Accessible parking must be provided for all uses in accordance the standards in Table 12-2; parking spaces used to meet the standards in Table 12-2 are counted toward meeting off-street parking requirements in Table 12-1;

(bb) Such parking must be located in close proximity to building entrances and must be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

(cc) Accessible spaces must be grouped in pairs where possible;

(dd) Where covered parking is provided, covered accessible spaces must be provided in the same ratio as covered non-accessible spaces;

(ee) Required accessible parking spaces must be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs must be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces must be specifically identified as such.

Table 12-2 - Minimum Number of Accessible Parking Spaces
(Source: ADA Standards for Accessible Design)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **one out of every 8 accessible spaces		***7 out of every 8 accessible parking spaces	

(iv) **On-Street Parking.** On-street parking must conform to the following standards:

(aa) **Dimensions.** The following constitutes one on-street parking space:

(A) Parallel parking, each 22 feet of uninterrupted curb;
(B) 45 degree diagonal, each with 12 feet of curb;
(C) 90 degree (perpendicular) parking, each with 12 feet of curb.

(bb) **Location.** Parking may be counted toward the minimum standards in Table 12-1 when it is on the block face abutting the subject land use. On-street parking spaces must be located such that when occupied they do not obstruct a required clear vision area and do not violate any law or street standard.

(cc) **Public Use Required for Credit.** On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but must be available for general public use

at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

(v) **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The County may approve owner requests for shared parking through Land Use Review.

(vi) **Off-site parking.** Except for single-family dwellings, the required vehicle parking spaces may be located on another parcel of land, provided the parcel is within ¼ mile of the use it serves and the County has approved the off-site parking through a Special Use Permit. The distance from the parking area to the use is measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

(vii) **General Parking Standards**

(aa) **Location.** Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Subsection (10), Access and Circulation, provides design standards for driveways. Street parking spaces must not include space in a vehicle travel lane (including emergency or fire access lanes), pedestrian accessway, landscape, or other undesignated area.

(bb) **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking is the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g., the uses operate on different days or at different times of the day). The County may reduce the total parking required accordingly through Site Design Review.

(cc) **Availability of facilities.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs must conform to the standards of subsection (15), Signs.

(dd) **Lighting.** Parking areas must have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Lighting must meet the requirements of subsection (14), Outdoor Lighting Standards.

(ee) **Screening of Parking Areas.** Parking spaces must be located or screened so that headlights do not shine onto abutting residential or resource uses. Screening for this purposed must meet the requirements of subsection (11)(d), Screening.

(ff) **Parking and Loading Setback**. Where an Industrial zone abuts a residential or resource zone, any off-street parking and loading areas must be set back at least 20 feet from the abutting residential or resource property line and the setback area must be landscaped to provide a buffer along the adjoining residential or resource property. Landscaping must be maintained by the property owner and must meet the standards of subsections (11)(b), Landscaping.

(gg) **Parking and Circulation**. No vehicle circulation or parking except for access driveways must be permitted within any required minimum front yard setback area.

(viii) **Parking Stall Design and Minimum Dimensions.** All off-street parking spaces must be improved to conform to County standards for surfacing, stormwater management, and striping or as otherwise allowed in Chapter 16.280. Standard parking spaces must conform to the following standards:

(aa) Motor vehicle parking spaces must measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;

(bb) All parallel motor vehicle parking spaces must measure eight (8) feet six (6) inches by twenty-two (22) feet;

(cc) Parking area layout must conform to the dimensions in Figure 12-1 and 12-2, and Table 12-3 below;

(dd) Parking areas must conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and

(ee) Bicycle parking must be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio of residential use. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device.

Figure 12-1 - Parking Area Layout

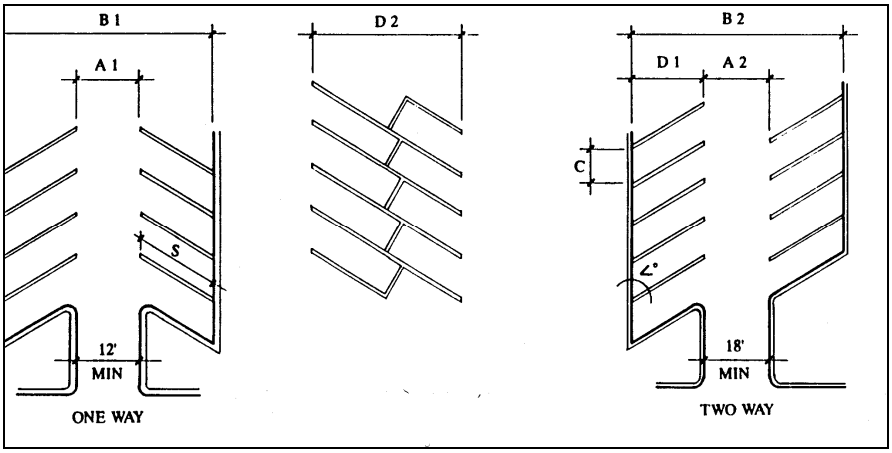

B 1
A 1
S
12'
MIN
ONE WAY
D 2
B 2
D 1
A 2
C
∠°
18'
MIN
TWO WAY

Figure 12-2 ADA Parking Requirements

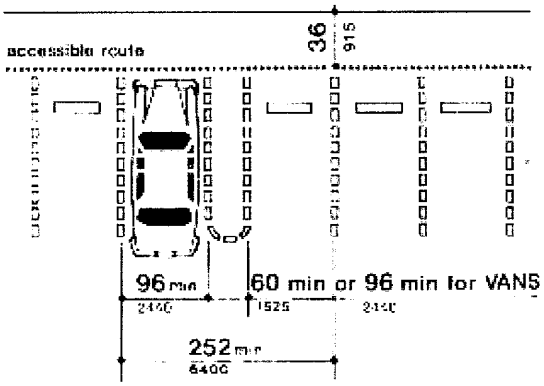


Table 12-3 - Parking Area Layout

	PARKING ANGLE	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
Standard Space (See Figure 10-2 for ADA space requirements)			SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Important cross-references:
See also subsection (10), Access and Circulation, for driveway standards; subsection (11), Landscaping, Fences, Walls and Screening; and subsection (16)(d), Stormwater Management.

(d) **Bicycle Parking Requirements.** All uses that are subject to Site Design Review must provide bicycle parking, in conformance with the standards in Table 12-4, and subsections (i-viii), below.

(i) **Minimum Required Bicycle Parking Spaces.** Uses must provide long- and short-term bicycle parking spaces, as designated in Table 12-4. Where two options are provided (e.g., 2 spaces, or 1 per 12,000 square feet of floor area), the option resulting in more bicycle parking is used.

Table 12-4 - Minimum Required Bicycle Parking Spaces

Use Categories	**Specific Uses**	**Long-term Spaces** (covered or enclosed)	**Short-term Spaces** (near building entry)
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None

(ii) **Exemptions.** This subsection does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.

(iii) **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device;

(iv) **Visibility and Security.** Bicycle parking for customers and visitors of a use must be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

(v) **Options for Storage.** Long-term bicycle parking requirements for employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

(vi) **Lighting.** For security, bicycle parking must be at least as well lit as vehicle parking.

(vii) **Reserved Areas.** Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

(viii) **Hazards.** Bicycle parking must not impede or create a hazard to pedestrians. Parking areas must be located so as to not conflict with any vision clear zone.

(e) Loading Areas

(i) Purpose. The purpose of this subsection of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

(ii) Applicability. Subsection (12)(e) applies to non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

(iii) Number of Loading Spaces

(aa) Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses must meet the following standards:

(i) Less than 20,000 square feet total floor area: No loading spaces required.

(ii) 20,000 to 50,000 square feet of total floor area: One loading space.

(iii) More than 50,000 square feet of total floor area: Two loading spaces.

(iv) Size of Spaces. Required loading spaces must be at least 35 feet long and 10 feet wide, and must have a height clearance of at least 13 feet.

(v) Placement, setbacks, and landscaping. Loading areas must conform to the setback and perimeter landscaping standards in subsection (9) Development Standards, and subsection (11) Landscaping, Fences, Walls and Screening. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

(13) Noise Standards

All new development must be designed and constructed so that operation of the uses on the property will comply with the State of Oregon Noise Control Regulations contained in Oregon Administrative Rule (OAR) 340-035-0005 thru 340-035-0100, where applicable. The County requires as an ongoing condition of approval that these standards are met.

(14) Outdoor Lighting Standards

(a) Purpose. The purpose of this subsection, Outdoor Lighting Standards is to allow citizens, businesses, and public agencies in the community of Goshen to illuminate commercial, industrial, public areas, roadways and walkways with lighting fixtures appropriate to the need while using such illumination in a way that preserves vistas and is directed onto and is confined to the property from which the light is generated.

(b) **Outdoor Lighting Fixtures Subject to this Ordinance**. Light fixtures subject to the standards in subsection (14)(c) are outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices must include, but are not limited to, lights for:

(i) Buildings and structures;
(ii) Recreational areas;
(iii) Parking lot and maneuvering areas;
(iv) Landscape areas;
(v) Streets and street signs;
(vi) Product display area;
(vii) Building overhangs and open canopies;
(viii) Holiday celebrations;
(ix) Construction Lights;

(c) **Standards for installation and operation of outdoor lighting**. Except as exempt by subsection (14)(d) new outdoor lighting fixtures installed after the effective date of this subsection, are subject to the standards below. No provision of this subsection is intended to pre-empt the Lane County Sign Code or applicable state codes.

(i) All outdoor lighting fixtures subject to this subsection must be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto abutting properties.

(ii) All lighting for roadways, roadway signs, intersections, and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

(iii) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

(iv) The operation of searchlights for advertising or promotional purposes is prohibited.

(v) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.

(vi) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and,

such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the Lane County Sign Code.

(d) **Exemptions**. The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this ordinance. These exemptions do not prevent the County from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.

(i) All outdoor light fixtures lawfully installed and operating prior to the effective date of this ordinance, and not prohibited by this ordinance. This exemption does not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life in the community of Goshen and the surrounding areas.

(ii) Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine visible glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.

(iii) Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and do not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain or limit illumination of the sky.

(iv) Low wattage lights used for holiday decorations for no more than 60 days are exempt from the requirements of this ordinance.

(v) Outdoor mass gatherings, as defined by ORS 433.735, that do not require a land use decision, that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

(vi) U.S. flags displayed by top mounted lighting only. The illumination of all flags other than the U.S. flag must be extinguished at the end of public business hours or by 10:00 PM whichever is later.

(vii) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one vicinity. Permanent installations at dedicated sites must conform to the requirements of this ordinance.

(viii) All outdoor light fixtures used to highlight art features within a traffic circle or round-about providing they are properly aimed and shielded to not shine visible glare into the public right of way or onto abutting or nearby properties.

(e) **Definitions.** The following definitions apply to terms in this subsection**.**

(i) End of business hours or End of business. "End of business hours or end of business" means the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.

(ii) Full Cut-off. "Full Cut-off" means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See illustrations below]

(iii) Glare. "Glare" means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.

(iv) High intensity discharge lighting. **"**High intensity discharge lamp lighting" means high pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps**.**

(v) Installed. "Installed" means initial installation of outdoor lighting fixtures**,** poles, electrical wiring, and related mounting equipment following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.

(vi) Low Wattage lights. "Low Wattage Lights" means 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.

(vii) Replacement. "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. Replacement does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

(viii) Safety / security. "Safety" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.

(ix) Shielding. "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto abutting or nearby property.

(x) Unshielded. "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto abutting or nearby property.

(xi) Up-lighting. "Up lighting" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an abutting or nearby building element, shrub, tree or other landscaping.

Figure 12-1 Examples of full cut off light fixtures (typical)

(15) Signs

(a) Signs may not extend over a public right-of-way or project beyond the property line.

(b) Signs may be illuminated but may not be flashing or capable of movement.

(c) Signs may not exceed 100 square feet of surface area on any one of two sides.

(d) Signs may not project above the height of the tallest structure on the property.

(e) Signs may only advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above.

(16) Utility Facilities

(a) Purpose and Applicability

(i) **Purpose.** The purpose of this subsection, Utility Facilities is to provide planning and design standards for public or private utilities and easements for transportation, sewer, water, and storm drainage improvements.

(ii) **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of utilities, and other private improvements must comply with the standards of this subsection. Public and private facilities related to a particular development must comply with the public facility requirements established in this subsection.

(iii) **Engineering Design Criteria, Standard Specifications and Details.** The County's specifications, standards, and details contained in Lane Manual 15.450 are hereby incorporated into this code by reference.

(iv) **Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of Lane Code. On-site improvements required as a condition of development approval, when not voluntarily accepted by the applicant, must be roughly proportional to the impact of the development on public facilities. Where on-site improvements are required, the Approval Authority must include findings in the development approval indicating how the required improvements are directly related and roughly proportional to the impact from the proposed development.

(b) **Roads**

Development subject to the provisions of this section (16.280) of Lane Code must comply with Lane Code Chapter 15, Roads, except as provided below.

(i) **Traffic Impact Analysis Requirements.** The County may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with LC 15.697.

Exception: Lane Code 15.697 does not apply to any development proposal that if approved will result in an increase of less than 50 peak hour automobile trips.

However, all developments must at a minimum provide a trip generation or debit letter to document how many trips are associated with the proposed use.

(c) **Sanitary Sewer and Water Service Improvements.** The proposed use and development must not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

The proposed use and development must not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information must 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. Approval of an on-site sewage disposal system from the property approval authority must constitute adequate factual information to demonstrate compliance with sewer component of this standard.

When a community water or sewer system is proposed to provide service to a use or development, the following standards apply:

(i) **Sewers and Water Mains Required.** Sanitary sewers and water mains must be installed to serve each new development and to connect developments to existing mains in accordance with the County's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements must also be stubbed with the streets, except as may be waived by the County Engineer.

(ii) **Sewer and Water Plan Approval.** Development permits for sewer and water improvements will not be issued until the County Engineer has approved all sanitary sewer and water plans in conformance with County standards.

(iii) **Over-Sizing.** The County may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the County may grant the developer credit toward any required system development charge for the same.

(iv) **Inadequate Facilities.** Development permits may be restricted by the County where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or

federal standards pertaining to operation of domestic water and sewerage treatment systems.

(d) Stormwater Management Requirements

(i) General Provisions. The County will issue a development permit only where adequate provisions for stormwater and flood water runoff have been made in conformance with the stormwater management requirements set forth in this subsection 16.280(d).

Connections to drainage facilities within the County right-of-way must be authorized through facility permits issued by the Director in accordance with ORS 374.305 through 374.340.

(ii) Definitions. For the purposes of this Section and the Stormwater Management Manual, the following definitions apply:

(aa) Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

(bb) Biofiltration. Deliberate filtering of sediments and other pollutants from stormwater runoff by directing flow through a vegetated area.

(cc) Channel Maintenance. Periodic removal of debris, sediment, vegetation, litter and other material within the bed or banks of a stream or channel recognized as part of the city's stormwater drainage system, and performed by the city or in accordance with county policy.

(dd) Channelize, Channelizing. Human alteration of the bed or banks of a natural stream or river to maintain or increase its conveyance or capacity characteristics without maintaining its natural character, typically by straightening its course, increasing its depth and removing obstructions in the bed or on the banks.

(ee) Constructed Wetlands. A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.

(ff) **Easement of Record**. A valid easement that is recorded and on file at the Lane County Recorder's office.

(gg) **Enhancement**. To increase or improve natural values in one or more of the following ways:

- Increasing the wildlife habitat value by increasing the supply and diversity of natural food sources throughout the year, increasing the diversity and duration of water features throughout the year or increasing the diversity in size and structure of plants.
- Improving water quality by reducing the amount of pollutants entering the water or removing pollutants already in the water.
- Improving the natural character by encouraging and allowing natural vegetation to grow in natural patterns according to soil and water conditions.
- Removing litter, refuse and unnatural fill.
- Improving the capacity of the area to contain, detain or filter stormwater runoff.

(hh) **Flood, or Flooding**. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; or
- The unusual and rapid accumulation of runoff of surface waters from any source.

(ii) **Flood control design storm.** A theoretical storm for evaluating the capacity of the storm drainage system and designing improvements for the required level of protection, in accordance with the Stormwater Management Manual.

(jj) **Flood Insurance Rate Map (FIRM)**. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(kk) **Flood Insurance Study**. The official report provided by the Federal Insurance Administration that includes flood

profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(ll) **Floodway**. The channel of a river or other watercourse and the adjacent land areas designated as a floodway by the Federal Emergency Management Agency.

(mm) **Flow control facility.** Any structure or drainage device that is designed, constructed, and maintained to collect, retain, infiltrate, or detain surface water runoff during and after a storm event for the purpose of controlling post-development water quantity leaving the development site.

(nn) **Goal 5 Water Resource Site.** The resource site as identified in the Goal 5 Water Resources Conservation Plan. For riparian corridor and upland wildlife habitat sites, the Goal 5 Water Resource Site includes the stream and riparian areas that may extend beyond applicable conservation setbacks. Wetland sites include only the wetland, itself.

(oo) **Grassy Swales**. Shallow ditches lined with grass or other vegetation for the purpose of filtering sediments and other pollutants from stormwater runoff.

(pp) **Impervious surface/area.** Any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from conditions pre-existing to development. Types of impervious surface include, but are not limited to, rooftops, asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas. *Note:* Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.

(qq) **Natural Drainageways**. Natural rivers, streams, channels, creeks, or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized, and which retain a predominantly natural character.

(rr) **Natural Functions and Values**. Characteristics of a site that contribute to the healthy and effective

functioning of natural processes on the site, along with the contribution made by the site to the healthy and effective functioning of the larger natural resource system of which the site is a part; including but not limited to improvement of water quality, provision of food, water and cover for wildlife, storage capacity for flood waters, protection against erosion, sediment removal, fisheries habitat, and groundwater recharge or discharge.

(ss) **Natural Resource Area**. The area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake or upland wildlife habitat area.

(tt) **Oil control facility.** Any structure or drainage device that is designed, constructed, and maintained to remove oil and grease from storm runoff.

(uu) **Open Waterway**. A natural or human-made swale, creek, stream, open channel, ditch or other similar water feature, that has a defined and identifiable channel with slopes, that is predominantly of earthen material, and that has the specific function of conveying and/or storing stormwater runoff.

(vv) **Property suspected or known to contain contaminants in the soil or groundwater.** Any real property where the presence of any hazardous substance or petroleum product indicates an existing release, past release, or threatened release of a hazardous substance or petroleum product into the ground, ground water, or surface water of the property.

(ww) **Protected Wetland, Protected Natural Resource**. A wetland or other natural resource identified for protection in an adopted plan.

(xx) **Stormwater Management Manual**. For purposes of this Section, the Stormwater Management Manual means the City of Eugene Stormwater Management Manual (April 2008 version), which has been adopted and incorporated by reference, and made applicable to the area subject to this Section 16.280.

(yy) **Stormwater Management Facility.** Any structure or

configuration of the ground that is used or, by its location, becomes a place where stormwater flows or is accumulated, including but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways, runoff control facilities, wetlands, and their accessories.

(zz) **Water Features**. Permanent or intermittent bodies of water, including streams, ponds, rivers, lakes, drainage channels, open waterways and jurisdictional wetlands.

(aaa) **Water Quality Design Storm.** A theoretical storm for estimating the amount of stormwater runoff to be treated. Facilities designed to store and treat a volume of stormwater must be sized in accordance with the Stormwater Management Manual.

(bbb) **Wetland**. Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws.

(ccc) **Wetland Boundary**. Any mapped wetland boundary produced by methods consistent with state and federal law and policy and for which a concurrence has been made in writing by the applicable state or federal agencies.

(iii) **Stormwater Management Manual**. In order to implement applicable stormwater management requirements, Lane County has adopted and incorporated by this reference the April 2008 version of the City of Eugene Stormwater Management Manual as part of this Section 16.280 by Ordinance No. 13-2.

The Lane County Land Management Division will maintain and make available to the public copies of the Stormwater Management Manual.

(iv) **Flood Control.**

(aa) **Purpose.** The purpose of Flood Control standards is to protect life and property from flood and drainage hazards by maintaining the capacity of the County's stormwater conveyance system through the establishment of destination regulations for stormwater runoff from development.

(bb) **Applicability and Exemptions.** Destination standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.

(cc) **Standards.** Surface discharges from onsite facilities must be discharged to an approved drainage facility. On-site infiltration is the preferred stormwater destination for all developments. Stormwater drainage facilities must be designed and constructed according to adopted plans and policies, and in accordance with the stormwater destination provisions and the facility design requirements set forth in the Stormwater Management Manual. Stormwater management must avoid a net negative impact on nearby streams, wetlands, groundwater and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management must be met by the owner/operator prior to facility use.

(dd) **Underground Injection Control Systems.** Stormwater runoff disposed of in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044. To utilize Underground Injection Controls for stormwater management the owner/operator must obtain authorization from the Oregon Department of Environmental Quality prior to facility use.

(v) Stormwater Pollution Reduction.

(aa) Purpose. The purpose of Stormwater Pollution Reduction standards is to reduce the impacts of development on water quality by providing standards for the capture and treatment of stormwater runoff from development.

(bb) Applicability and Exemptions. Water Quality standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.

(cc) Standards. The quality of the stormwater leaving the site after development must be equal to or better than the quality of the stormwater leaving the site before development, as much as is practicable based upon the following:

(A) Applications must include pollution reduction facilities selected from the Stormwater Management Manual as follows:

(i) For land use applications for undeveloped land, the selected pollution reduction facilities must treat all the stormwater runoff from the development site that will result from the water quality design storm;

(ii) For land use applications that change or add development to an already developed site, the selected pollution reduction facilities must treat the stormwater runoff from all added and replaced impervious surface that will result from the water quality design storm;

(iii) For development permit applications, the selected pollution reduction facilities must treat all stormwater runoff from all

new or replaced impervious surface, or an equivalent on-site area, that will result from the water quality design storm;

(B) All pollution reduction facilities must be sited, designed and constructed according to the pollution reduction provisions and the facility design requirements set forth in the Stormwater Management Manual.

(vi) Stormwater Flow Control.

(aa) **Purpose.** The purpose of Stormwater Flow Control standards is to protect waterways from the erosive effects of increases in stormwater runoff peak flow rates and volumes resulting from development.

(bb) **Applicability and Exemptions.** Flow Control standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.

(cc) **Standards.** The quantity and flow rate of stormwater leaving the site after development must be equal to or less than the quantity and flow of stormwater leaving the site before development, as much as practicable, based on the following criteria:

(A) Applications must demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development that is the subject of the application;

(B) All facilities to control the rate of stormwater runoff must be sited, designed and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual. Flow control

facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual.

(vii) Stormwater Oil Control.

(aa) Purpose. The purpose of Stormwater Oil Control standards is to protect the County's stormwater system from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants.

(bb) Applicability. Oil control standards apply to:

(A) All new commercial and industrial development with parking lots that store wrecked or impounded vehicles; or

(B) Any development that would result in an expected daily traffic count greater than one hundred vehicles per 1,000 square feet of gross building area, based on the most recent version of The Institute of Transportation Engineers' Trip Generation Manual; or

(C) Any development that would result in 100 or more off-street parking spaces.

(cc) Standards. All oil control facilities must be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual.

(viii) Stormwater Source Controls.

(aa) Purpose. The purpose of Stormwater Source Control standards is to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater.

(bb) Applicability and Exemptions. Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in below.

(A) Fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises. A fuel dispensing facility is the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers. Exempt from this subsection are:

(i) Propane tanks.

(ii) Fuel dispensing areas generally used to service oversized equipment, for example cranes, that cannot maneuver under a roof or canopy.

(iii) Existing fueling areas where scope of work is limited to a new canopy installation over an existing fuel pad that is not being upgraded, an underground tank replacement for compliance with state regulations, or the replacement of a fuel pump on an existing fuel pad that is not being upgraded.

(B) Exterior storage of liquid materials, for example chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products in aboveground containers, in quantities of 50 gallons or more, including permanent and temporary storage areas. Exempt from this subsection are underground storage tanks or installations requiring a Water Pollution Control Facility (WPCF) permit and containers with internal protections (such as double-walled containers).

(C) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for one and two family dwelling and areas used for the temporary storage of wood pallets or cardboard.

(D) Developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, as the terms “high risk” and “low risk” are in the Stormwater Management Manual. Exempt from this subsection are:

(i) Materials which have no measurable solubility or mobility in water and no hazardous, toxic or flammable properties.

(ii) Materials which exist in a gaseous form at ambient temperature.

(iii) Materials, except for pesticides and fertilizers, that are contained in a manner that prevents contact with stormwater.

(E) Developments proposing the installation of new material transfer areas as defined in the Stormwater Management Manual, or structural alterations to existing material transfer areas, such as access ramp re-grading and leveler installations. Exempt from this subsection are areas used only for mid-sized to small-sized passenger vehicles and restricted by lease agreements or other regulatory requirements to storing, transporting or using materials that are classified as domestic use, for example, primary educational facilities (elementary, middle or high schools), buildings used for temporary storage and churches.

(F) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

(i) Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.

(ii) Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.

(iii) One and two family dwelling sites.

Development that is intended for the storage of 10 or more fleet vehicles must include a designated vehicle washing area.

(G) All development projects that disturb property suspected or known to contain contaminants in the soil or groundwater.

(H) All development with new covered vehicle parking areas, or existing parking structures that are being developed. Exempt from this subsection are single-level canopies, overhangs and carports.

(cc) Standards. All source controls must be designed and

constructed according to the source control provisions set forth in the Stormwater Management Manual.

(dd) **Enforcement**. Failure to construct, operate and maintain source controls when a land use application, development permit or tenant improvement has resulted in a defined site use or characteristic listed above is subject to enforcement in accordance with Lane Code.

(ix) Dedication of Stormwater Easements.

(aa) **Purpose.** The purpose of Dedication of Stormwater Easements is to ensure that County maintained stormwater management facilities designed and constructed in accordance with adopted policies and the Stormwater Management Manual can be accessed by the County for routine and/or emergency maintenance to protect life and property from flood and drainage hazards, ensure that water quality is protected, and to ensure that waterways in the headwaters area are protected from the erosive effects of runoff.

(bb) **Applicability.** Stormwater easement standards apply to all land use applications and development permits that result in the construction of a County maintained Stormwater Management Facility.

(cc) **Standards.** The applicant must dedicate public easements approved by the County over County maintained stormwater management facilities provided the County makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:

(A) Except for areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.

(B) For areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.

(C) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.

(D) To provide necessary drainage from the public right-of-way.

(E) Where the County has accepted functional maintenance responsibility for pollution reduction and/or flow control facilities.

(x) Stormwater Operation and Maintenance.

(aa) Purpose. The purpose of Stormwater Operation and Maintenance standards is to ensure that stormwater management facilities designed and constructed in accordance with the Stormwater Management Manual are operated and maintained in a manner that protects life and property from flood and drainage hazards, protects water quality, and protects the waterways from the erosive effects of runoff.

(bb) Applicability. Operation and maintenance standards apply to all facilities designed and constructed in accordance with the Stormwater Management Manual.

(cc) Standards

(A) Unless the County accepts the responsibility to operate and maintain a stormwater facility, all stormwater management facilities must be privately operated and maintained.

(B) All stormwater facilities must be operated and maintained in accordance with Lane Code and the Stormwater Management Manual.

(C) Applications proposing private operation and maintenance of all or part of the stormwater facility must include an Operations and Maintenance Plan in accordance with the forms adopted as a part of the Stormwater Management Manual.

(D) A maintenance log is required. The log must provide a record of all site maintenance related activities. The log must include the time and dates of facility inspections and specific maintenance activities, and must be available to County inspection staff upon request.

(dd) Enforcement. Failure to operate or maintain the Stormwater

Management Facility according to the Operations and Maintenance Plan may result in enforcement action, including a civil penalty, as specified in Lane Code.

(e) Utilities

(i) Underground Utilities

(aa) Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities must be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

(bb) Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

(A) The developer must make all necessary arrangements with the serving utility to provide the underground services. Care must be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic as required in Lane Code (LC) 15.095(3) and as defined in LC 15.010(40);

(B) The County reserves the right to approve the location of all surface-mounted facilities;

(C) All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, must be constructed prior to the surfacing of the streets; and

(D) Stubs for service connections must be long enough to avoid disturbing the street improvements when service connections are made.

(ii) Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

(f) Easements

(i) Provision. The developer or applicant must make arrangements with the County, the applicable zone, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The County's standard width for public main line utility easements is determined by the County Engineer.

(ii) Recordation. As determined by the County Engineer, all easements for sewers, stormwater management, water quality facilities, water mains, electric lines, or other public utilities must be recorded with the final plat. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

(g) Construction Plan Approval and Assurances

(i) Plan Approval and Permit. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements may be undertaken until the plans have been approved by the County, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the County for construction and other services in connection with the improvement. The permit fee is set by the County.

(ii) Performance Guarantee. The County may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

(h) Installation

(i) Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, must conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the County.

(ii) Commencement. The County must be notified in advance in writing before any work begins.

(iii) Resumption. If work is discontinued for more than one month, the County must be notified in writing before work is resumed.

(iv) County Inspection. Improvements must be constructed under the inspection and to the satisfaction of the County. The County may require minor changes in typical standards and specifications, and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review as a modification of approval and/or conditions of approval. Any monuments that are disturbed before all improvements are completed by the subdivider must be replaced prior to final acceptance of the improvements.

(v) Engineer's Certification and As-Built Plans. A registered engineer must provide written certification in a form required by the County that all improvements, workmanship, and materials are in accord with current and standard engineering and

construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to County acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer must also provide two set(s) of "as-built" plans, in conformance with the County Engineer's specifications, for permanent filing with the County.

CHAPTER 16 CONTENTS

LC 16.280 Goshen Industrial Zones (GI, LI)

GOSHEN INDUSTRIAL ZONES (GI, LI)
RURAL COMPREHENSIVE PLAN (RCP)

LC 16.280 Goshen Industrial Zones (GI, LI)

Sections:

(1) Purpose
(2) Definitions
(3) Land Use Categories
(4) Industrial Use Categories
(5) Applicability
(6) Site Design Review
(7) Special Use Permit
(8) Permitted Land Uses
(9) Development Standards
(10) Access and Circulation
(11) Landscaping, Fences, Walls and Screening
(12) Parking and Loading
(13) Noise Standards
(14) Outdoor Lighting Standards
(15) Signs
(16) Utility Facilities

(1) Purpose. The purpose of the Goshen Industrial zones are to promote economic growth and development that takes advantage of the significant comparative advantages of Goshen including presence of rail and highway access, while being in close proximate to the Eugene/Springfield metro area. The zones will accommodate industrial uses focusing on manufacturing and production, industrial service, research and development facilities, and accessory or supportive uses to serve the needs of these primary uses. The zones are intended to buffer incompatible industrial developments from other zones, while providing a quality environment for businesses and employees. This Section (16.280) of Lane Code guides the orderly development of Goshen urban industrial uses and is intended to:

(a) Provide for efficient use of land and public services.
(b) Promote the area's transportation and other infrastructure, and logistical advantages.
(c) Encourage economic development, expansion, and creation of jobs in the area.
(d) Increase compatibility between uses and nearby commercial and residential or resource zones.
(e) Provide appropriate design standards to accommodate a range of industrial users.
(f) Utilize industrial zoned lands for increased levels of development resulting in living wage jobs.
(g) Protect and diversify the economy of the county.
(h) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

Two different zones are intended to provide land that is appropriate for the following uses based on size, location, and other characteristics.

General Industrial (GI): The purpose of this zone is to provide opportunities for industrial uses that create jobs that pay no less that 150% of the median wage, which are essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and non-industrial uses. Additionally, it is the primary purpose of the GI zone to create a job density of 8 jobs per net buildable acre with uses that focus on rail dependent uses.

Light Industrial (LI): The purpose of this zone is to provide opportunities for light industrial uses on existing smaller properties.

These zones are identified on the County's official zoning map. The zones serve distinctly different uses as described.

(2) Definitions

(a) **Industrial Use –** means employment activities, including, but not limited to the use of land primarily for the manufacture, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development, that generate income from the production, processing, handling or distribution of goods and services, including goods and services in the traded sector as defined by ORS 285A.010.

(b) **Commercial Use –** means the use of land involving buying or selling of goods or services as the primary activity.

(c) **Corporate Office/Headquarters –** means a building or portion of a building in which people are employed in the management or direction of a business consisting of one or more companies, or divisions or groups of companies. This use must be directly associated with and subordinate to a permitted use or use allowed with a Special Use Permit on the same site.

(d) **Non-native, invasive plants –** means plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

(e) **Rail dependent.** A use, facility or activity that demonstrates a benefit from access to rail or can utilize or integrate access to the rail into their business operations.

(f) **Rail related.** Uses or facilities that are not directly dependent upon access to rail, but that provide goods or services that are directly associated with rail-dependent land or use, and that, demonstrate that if not located near rail related uses would result in a loss of quality or increase in cost of the goods or services offered.

(3) Land Use Categories

For the purpose of this Chapter uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

(a) **Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The characteristics subsection of each use

category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

(b) **Interpretation.** When a use's category is not clearly identifiable, the Director, through an administrative action, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

(i) The description of the activity(ies) in relationship to the characteristics of each use category;
(ii) The relative amount of site or floor space and equipment devoted to the activity;
(iii) Relative amounts of sales from each activity;
(iv) The customer type for each activity;
(v) The relative number of employees in each activity;
(vi) Hours of operation;
(vii) Building and site arrangement;
(viii) Vehicles used with the activity;
(ix) The relative number of vehicle trips generated by the activity;
(x) Signs;
(xi) How the use advertises itself; and
(xii) Whether the activity would function independently of the other activities on the site.

(c) **Developments with multiple primary uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a Research and Development facility and a manufacturing and production facility, the uses would be classified in the Industrial category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

(4) **Industrial Use Categories**

(a) **Industrial Service**

(i) **"**Industrial Service" refers to the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(ii) Accessory uses may include but are not limited to offices, parking, storage, rail spur or lead lines, and docks.

(iii) Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators;

recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; technology development and support centers; industrial laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

(iv) Exceptions

(aa) Contractors and others who perform Industrial Services off-site are included in the office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.

(bb) Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(b) Manufacturing and Production

(i) **"**Manufacturing and Production" refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(ii) Accessory uses may include but are not limited to offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site is allowed. Other living quarters are subject to the regulations for Residential Uses.

(iii) Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana production and marijuana processing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, computer and electronic devices; biotechnology; production of artwork and toys; sign making; production of prefabricated structures, including manufactured homes; the production of energy; and paper products processing.

(iv) Exceptions

(aa) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

(bb) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

(c) Warehouse, Freight Movement, and Distribution

(i) **"**Warehouse, Freight Movement, and Distribution" refers to the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

(ii) Accessory uses may include but are not limited to offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

(iii) Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; marijuana wholesale sales; major wholesale distribution centers; truck/ freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

(iv) Exceptions

(aa) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

(bb) Mini-warehouses are classified as Self-Service Storage uses.

(d) Waste-Related

(i) **"**Waste-Related" refers to uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

(ii) Accessory uses may include but are not limited to recycling of materials, offices, and repackaging and transshipment of by-products.

(iii) Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

(iv) Exceptions

(aa) Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

(bb) Sewer pipes that serve a development are considered a basic utility.

(cc) Recycling operations are not considered a Waste related use. They are classified as an Industrial Service use.

(e) Wholesale Sales

(i) **"**Wholesale Sales" refers to the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

(ii) Accessory uses may include but are not limited to offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

(iii) Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

(iv) Exceptions

(aa) Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

(bb) Firms that engage in sales on a membership basis are classified as Retail Sales and Service.

(cc) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

(5) Applicability

The provisions of this subsection of Lane Code Chapter 16, the Goshen Industrial zones, apply to all development on property zoned General Industrial (GI) and Light Industrial (LI) within the unincorporated community of Goshen. The location of the GI and LI zones are identified on the Lane County official zoning map.

Where a provision or condition imposed by a provision of this section conflicts or overlaps with another provision or condition imposed by a provision of this section or other section of Chapter 16 of Lane Code, the provision or condition imposed by a provision that is more restrictive governs.

(6) Site Design Review

(a) **Purpose.** The purpose of this subsection, Site Design Review, is to:

(i) Provide rules, regulations and standards for efficient and effective administration of land use review in the Goshen Industrial Zones;

(ii) Promote the public health, safety and general welfare;

(iii) Provide compatibility through provisions for adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

(iv) Encourage the conservation of energy resources; and

(v) Encourage efficient use of land resources, full utilization of services, mixed uses, and transportation options.

(b) **Applicability.** Site Design Review is required for all new developments and modifications of existing developments in the Goshen Industrial zones, subject to this section of Lane Code Chapter 16, in accordance with subsection (5), Applicability, of this section. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair are exempt from Site Design Review.

(c) **Application Review.** Site Design Review will be processed using the Director Review Procedure of Lane Code 14.100, and using the application requirements and approval criteria contained in subsections 6(e) and 6(f), below.

Site Design Review ensures compliance with the basic land use and development standards of the land use zone, such as setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of Lane Code as applicable.

(d) **Permit Approval and Modifications.** Applicant must not commence or authorize development until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval, and any other required land use decisions) and building permits. Applicant must not commence or authorize construction of public improvements until the County has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The County may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements.

Modification of application for a Site Design Review or Special Use Permit application means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

(i) An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process.

(ii) The Approval Authority may not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 150-day review period as of the date the modification is submitted. The 150-day review period for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.

(iii) The Approval Authority may require that the application be re-noticed and additional hearings be held.

(iv) Up until the day a hearing is opened for receipt of oral testimony, the Director has sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Approval Authority makes such determinations. The Approval Authority's determination on whether a submittal constitutes a modification is appealable to LUBA after a final decision is entered by the County on an application.

(e) **Site Design Review - Application Submittal Requirements.** All of the following information is required for Site Design Review application submittal:

(i) **Site Design Review Submission Requirements**. An application for Site Design Review must contain all of the information required under Lane Code 14.050. In addition an applicant for Site Design Review must provide the following additional information, as deemed applicable by the Director. The Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the Approval Authority:

(aa) **Site analysis map**. (existing conditions) At a minimum the site analysis map must contain the following:

(A) The applicant’s entire property and the surrounding property to a distance sufficient to determine the location of the development in the County (minimum of 250 feet), and the relationship between the proposed development site and abutting property and development. The property boundaries, dimensions and gross area must be identified;

(B) Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;

(C) Identification of slopes greater than 25 percent;

(D) The location and width of all existing: utilities, public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

(E) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the County or State as having a potential for geologic hazards;

(F) Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the County or any natural resource regulatory agencies as requiring protection;

(G) Site features, including existing structures, pavement, large rock outcroppings, drainage ways, canals and ditches;

(H) Locally or federally designated historic and cultural resources on the site and abutting parcels or lots;

(I) The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;

(J) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

(K) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

(bb) **Proposed site plan.** The site plan must contain the following information:

(A) The proposed development site, including boundaries, dimensions, and gross area;

(B) Features identified on the existing site analysis maps that are proposed to remain on the site;

(C) Features identified on the site analysis map, if any, which are proposed to be removed or modified by the development;

(D) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

(E) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site including outdoor storage areas, fencing, etc. All impervious and pervious areas must be delineated. Setback dimensions for all existing and proposed buildings must be provided on the site plan;

(F) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

(G) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

(H) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to abutting properties, and any bicycle lanes or trails;

(I) Loading and service areas for waste disposal, loading and delivery;

(J) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

(K) Location, type, and height of outdoor lighting;

(L) Location of mail boxes, if known;

(M) Name and address of project designer, if applicable;

(N) Locations of bus stops and other public or private transportation facilities;

(O) Locations, sizes, and types of signs;

(cc) **Architectural drawings.** Architectural drawings demonstrating compliance with subsection (9)(e), Design Standards, below, and showing one or all of the following are required for new buildings and major remodels:

(A) Building elevations (as determined by the County Director) with building height and width dimensions;

(B) Building materials, colors and type;

(C) The name of the architect or designer.

(dd) **Preliminary grading plan**. A preliminary grading plan prepared by a registered engineer is required for development sites ½ acre or larger. The preliminary grading plan must show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with subsection (16)(d), Stormwater Management Requirements.

(ee) **Landscape plan.** A landscape plan is required demonstrating compliance with the provisions of subsection (11), Landscaping, Fences, Walls and Screening, below, and must show the following:

(A) The location and height of existing and proposed fences, buffering or screening materials;

(B) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

(C) The location, size, and species of the existing and proposed plant materials (at time of planting);

(D) Existing and proposed building and pavement outlines;

(E) Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;

(F) Other information as deemed appropriate by the County Director.

(ff) Sign drawings must detail the location, size, and colors of any proposed signs.

(gg) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

(hh) Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in subsection (6)(f), Site Design Review Approval Criteria.

(ii) Traffic Impact Study, when required in accordance with subsection (16)(b), Roads, below, a traffic study must be prepared in accordance with the road authority's requirements. See Lane Code 15.696-15.697 for relevant standards.

(jj) Other information. When determined by the Director, the County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code including but not limited to:

(A) Public Facilities and Services Impact Study. An impact study when required must quantify and assess the effect of the development on public facilities and services. The scope of the study will be determined by the County during the pre-application conference. For each public facility system and type of impact, the study must propose improvements necessary to meet County standards;

(B) In situations where this Code authorizes the dedication of real property to the County, in order for the County to include the

dedication as a condition of approval the County must include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services.

(f) **Site Design Review Approval Criteria.** The Approval Authority must make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

(i) The application is complete, as determined in accordance with Land Code 14.050 and subsection (6)(e), Site Design Review – Application Submittal Requirements, above.

(ii) The application complies with all of the applicable provisions of the underlying Land Use Zone, including: setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of subsections (8), Permitted Land Uses, and (9), Development Standards including special standards as may be required for certain land uses.

(iii) The applicant is required to upgrade any existing development that does not comply with the applicable land use zone standards, in conformance with section (5) and Lane Code Chapter 16.251, Non-Conforming Uses.

(iv) The application complies with all of the following Standards as applicable:

(aa) subsection (10) - Access and Circulation;

(bb) subsection (11) - Landscaping, Fences, Walls and Screening;

(cc) subsection (12) - Parking and Loading;

(dd) subsection (13) – Noise Standards;

(ee) subsection (14) – Outdoor Lighting Standards;

(ff) subsection (15) – Signs;

(gg) subsection (16) – Utility Facilities.

(g) Existing conditions of approval required as part of a prior Land Division, Special Use Permit, Site Plan/Design approval or other approval must be met when the development under the previous approval is proposed to continue to exist.

(7) **Special Use Permit**

The County must approve, approve with conditions, or deny an application for a Special Use Permit or to enlarge or alter a Special Use based on findings with respect to each of the following standards and criteria:

(a) Use Criteria

(i) The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

(ii) Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval that include but are not limited to those listed in below.

(b) Site Design Standards. Where appropriate, the procedures, submittal requirements, and approval criteria for Site Design Review approval listed in subsection (6); Site Design Review must be met.

(c) Conditions of Approval. The County may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. The County may impose as many of these and other applicable conditions on one conditional use application as it finds necessary. These conditions include, but are not limited to, the following:

(i) Limiting the hours, days, place and/or manner of operation;

(ii) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

(iii) Requiring larger setback areas, lot area, and/or lot depth or width than those required;

(iv) Limiting the building height, size or lot coverage, and/or location on the site;

(v) Designating the size, number, location and/or design of vehicle access points or parking areas;

(vi) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, is roughly proportional and has a nexus to the impact of the proposed development;

(vii) Requiring landscaping, screening, stormwater management facilities, and/or improvement of parking and loading areas;

(viii) Limiting the number, size, location, height and/or lighting of signs;

(ix) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

(x) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

(xi) Requiring and designating the size, height, location and/or materials for fences;

(xii) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

(xiii) Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with adopted plans, so long as findings in the development approval indicate how the dedication and/or construction, if not voluntarily accepted by the applicant, is roughly proportional to the impact of the proposed development. Dedication of land and design and construction must conform to the provisions of this Chapter.

(8) Permitted Land Uses

(a) Permitted Uses. The land uses listed in Table 8-1 may be permitted in each of the applicable zoning zones as listed in Table 8-1, subject to the provisions of this section. Only land uses that are specifically listed in Table 8-1, and land uses that are approved as "similar" to those in Table 8-1, may be permitted.

(b) Determination of Similar Land Use. Following submittal of an application under LC 14.050 and 14.100, uses and development similar to uses and development in Table 8-1 may be allowed if found by the Director to be "clearly similar" to the uses and development allowed by Table 8-1. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria. The Director must make findings that such use is "clearly similar" based on the following criteria:

(i) The use and development are consistent with the purpose of this section.

(ii) When compared with the uses and development permitted by Table 8-1, the use and development are similar to one or more of these uses and development based on 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 and the number of jobs created on the site.

(iii) The use and development do not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information must be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide onsite sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development do not result in public health hazards or adverse environmental impacts that violate state or federal regulations.

(v) The use and development comply with the other applicable provisions of this Chapter.

Similar use determinations that are not "clearly similar" because they do not meet the standards above, must be made in conformance with the procedures in Lane Code Chapter 16.008; Interpretations.

(c) **Existing Uses.** Existing lawfully established uses within an industrial zone located within the Unincorporated Community of Goshen prior to the date of adoption of the ordinance implementing this Chapter constitute permitted uses. Expansion or enlargement of the above pre-existing lawfully established uses or structures are subject to the provisions of Lane Code 16.292 and other sections as applicable.

Table 8-1: Permitted Land Uses

Land Use	GI	LI
Industrial		
Manufacturing and production	-	-
Rendering plant/facility	**N**	**N**
Slaughter house/facility	**N**	**N**
Uses with a total building size of not more than 40,000 square feet	**P**	**P**
Rail dependent use over 40,000 square feet	**P**	**P**
Rail related use over 40,000 square feet on sites without rail access	**P**	**P**
Non-rail dependent or non-rail related use over 40,000 square feet	**N**	**P**
Industrial Service	**S***	**P**
Towing, vehicle storage, auto and truck salvage and wrecking	**N**	**S**
Truck stops	**N**	**S**
Warehouse , Freight Movement, and Distribution	**S***	**S**
Waste-Related uses	**N**	**N**
Wholesale sales	**N**	**N**
Residential		
One caretaker unit is permitted for each development *NOTE: Other residential uses are not permitted, however, residences existing prior to the effective date of this Code may continue subject to the standards in Chapter 16.251 Non-Conforming Uses and Developments.*	**P**	**P**
Commercial		
Commercial/retail uses – existing properties with past commercial uses	**P***	**N**
Vehicle, equipment and boat repair, rental, storage, service	**N**	**N**
Medical and dental laboratories and large animal veterinary clinics	**N**	**N**
Outdoor Commercial Uses (*e.g.*, outdoor storage, Building and garden supply)	**N**	**N**
Small-scale personal and professional services (*e.g.*, child care, fitness center, coffee shop / deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses) • up to 2500 square feet or 1% of gross floor area (whichever is greater)	**P***	**P***
Equipment Rental and Repair services	**N**	**S**
Corporate Office/Headquarters	**P***	**P***
Mini-storage Warehouse	**N**	**N**
Contractor business	**N**	**P**
Heavy equipment sales	**N**	**S**
Ambulance Service/Transportation yards	**N**	**N**
Commercial parking lot	**N**	**N**
Recreation Facility (privately owned)	**N**	**N**
Public and Institutional		
Government facilities where the public is generally not received. (*e.g.*, public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)	**N**	**S**
Utilities (above ground)	**P***	**P***
Special district and Public Safety facilities (*e.g.*, utility district, fire station, and similar facilities)	**S**	**S**
Vocational schools	**N**	**S**
Public Park and Recreation Facility	**N**	**S**
Miscellaneous Uses		
Wireless and Broadcast Communication Facilities (See LC 16.264)	**P**	**P**

Key to Zones:
GI = General Industrial Zone
LI = Light Industrial Zone

Key to Permitted Uses
P = Permitted; subject to subsection (6).
N = Not Permitted.

S = Special Use Permit required, subject to subsection (7).
***** = Subject to Standards for Certain Uses (subsection (9)(g)).

(9) Development Standards

(a) Setbacks. Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in the following subsection. (e.g., for combustible materials, etc.)

(i) Front Yard Setbacks.

(aa) General Industrial (GI) Zone: The minimum front yard setback is 20 feet.
(bb) Light Industrial (LI) Zone: The minimum front yard setback is 10 feet.
(cc) Exceptions:

(A) Other special setbacks in conformance with Lane Code 15.065-15.095, Building Setback Requirements may apply.

(ii) Rear Yard Setbacks. There is no required rear yard setback in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion of the use may be constructed or placed closer than 20 feet from the property line of the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

(iii) Side Yard Setbacks. There are no required side-yard setbacks in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion thereof may be constructed closer than 20 feet to the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

Table 9-1: Development Standards

Standard	Light Industrial (LI)	General Industrial (GI)
Minimum Front Yard	10’	20’
Minimum Rear Yard*	0’/20’*	0’/20’*
Minimum Side Yard*	0’/20’*	0’/20’*
Maximum Lot Coverage	80%	80%
Base Building Height**	65’	65’
Property size (lot, parcel, or unit of land)	Minimum N/A Maximum N/A	Minimum 35 acres Maximum N/A

Note: Setbacks are measured from the minimum right of way widths established in Lane Code Chapter 15.
*Subject to the provisions of subsection 9(a); Setbacks
**Subject to the provisions of subsection 9(c); Building Height

(iv) Corner Lots and Through Lots. For buildings on properties with more than one street frontage or through lots, the minimum front yard setback standards in Table 9-1 applies to all street frontages.

(b) **Lot Coverage.** The lot coverage standards are intended to provide flexibility in development while ensuring some provision of open space for landscaping and stormwater management.

The maximum allowed lot coverage in the General Industrial (GI) and Light Industrial (LI) zones is 60 percent (60%). The maximum allowed lot coverage is computed by calculating the total area covered by buildings including accessory structures, and comparing this figure with the total area of the development site. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

(c) **Building Height.** The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

(i) **Height Requirements**

Base Height. The base height for buildings and structures in the General Industrial (GI) and Light Industrial (LI)zones is sixty five feet (65') in height and must comply with the building setback standards in subsection 9(a); Setbacks above.

The height limits are subject to the provisions of Lane Code (LC) 16.250(5)(a) and (b).

(ii) **Exceptions**

The allowable height may be increased over the base height when:

(aa) For a use located on a property or in a building that is within 100 feet of a residential or resource zone, the height may be increased over the base height through one of the following means:

(A) The minimum required setbacks are increased ½ foot for every foot over the base height;
(B) Stepping-back of building height ½ foot for every foot over the base height;

and when a Special Use Permit is approved subject to the Special Use Permit criteria and when one or more of the mitigation methods specified below under (iii) are applied.

(bb) For a use located on a property that is not within 100 feet of a residential or resource zone, the height may be increased over the based through one on the following means:

(A) The minimum required setbacks are increased ½ foot for every foot over the base height;
(B) Stepping-back of building height ½ foot for every foot over the base height;

and when one or more of the following mitigation methods are applied.

(iii) Mitigation Methods.

(aa) visual buffering or screening is provided to mitigate the additional height from surrounding properties; and/or

(bb) other appropriate measures to provide a height transition between industrial development and abutting residential or resource zoned property.

Non-conforming uses that are lawfully in existence at the time this ordinance is adopted may continue to operate in conformance with Lane Code 16.251; Non-Conforming Uses.

(d) Property Size. One of the necessary components to provide an adequate supply of large economic development land is to ensure that there are large property sizes available for employment uses. The minimum property size limit for properties (lots, parcels, or units of land) within the GI zone are regulated to ensure efficient utilization of the existing industrial zoned land within the community of Goshen.

Table 9-2: Property Size

Standard	Light Industrial (LI)	General Industrial (GI)
Property size (lot, parcel, or unit of land)	Minimum N/A Maximum N/A	Minimum 35 acres Maximum N/A

(e) Land Division Standards. Land divisions of GI zoned properties that have rail access shall preserve rail access for all newly created lots or parcels.

(f) Design Standards.

(i) Orientation. In order to minimize adverse impacts of parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy of abutting non-industrial zoned properties the following standards apply to all development in the Industrial zones when abutting to a non-industrial zone.

(aa) Openings. No openings other than code required egress intended for emergency use, are allowed on any side of a building facing the non-industrial use unless approved through a Special Use permit;

(bb) Front Entrance. The front/main entrance of the primary building on a property must be oriented to the street frontage and away from any abutting non-industrial zone unless approved through a Special Use Permit;

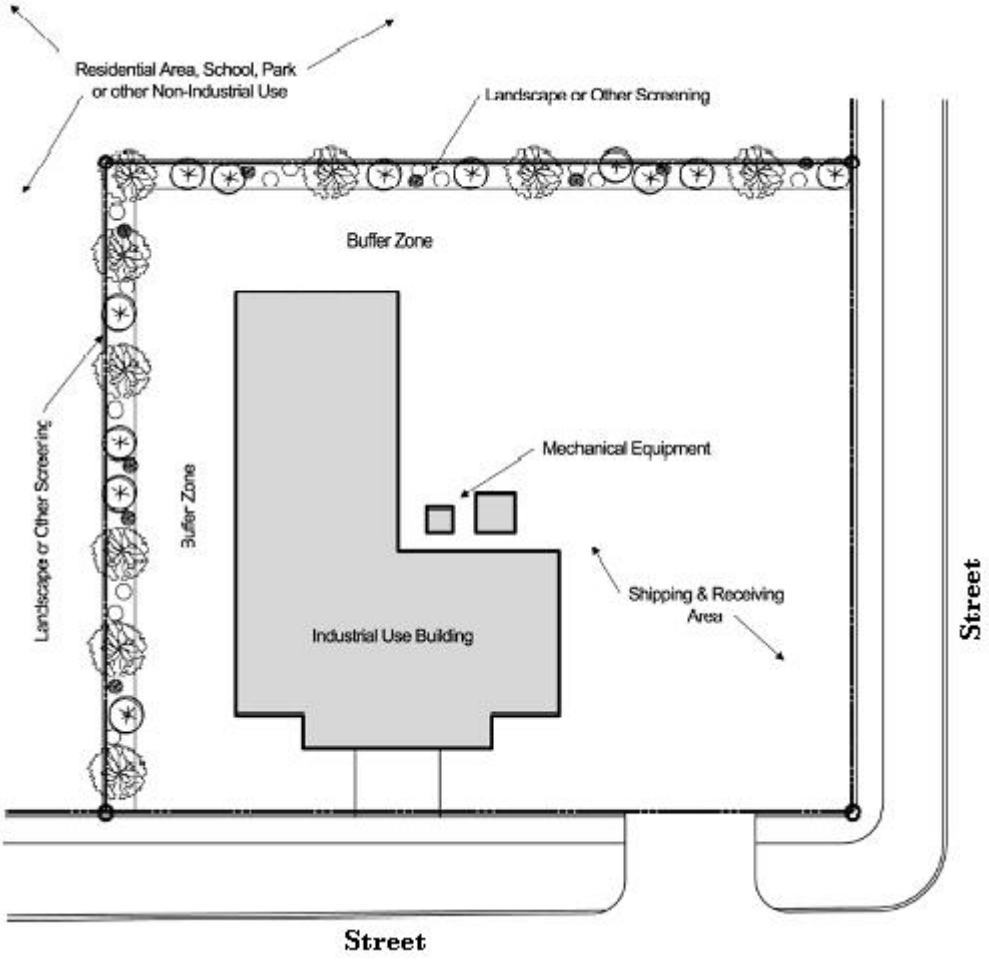
(cc) Equipment Standard. Mechanical equipment, outdoor storage and outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building, must be located a minimum of 20 feet away from abutting residential or resource zones, schools, and parks, unless approved through a Special Use Permit;

Mechanical equipment, outdoor storage, outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building must be screened from view from all abutting public streets and abutting residential or resource zoned properties, schools, and parks, unless approved through a Special Use Permit. When screening is required, such screening must be a minimum of 6 feet in height and provided by:

(A) a decorative sight obscuring wall (i.e., wood, masonry or similar quality material),
(B) evergreen hedge,
(C) opaque/sight obscuring fence complying with subsection (11), or
(D) a similar feature that provides an opaque/sight obscuring barrier.

Walls, fences, and hedges must comply with subsection (11), Landscaping, Fences, Walls and Screening; the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40); and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.

Figure 9-1 - Development Orientation

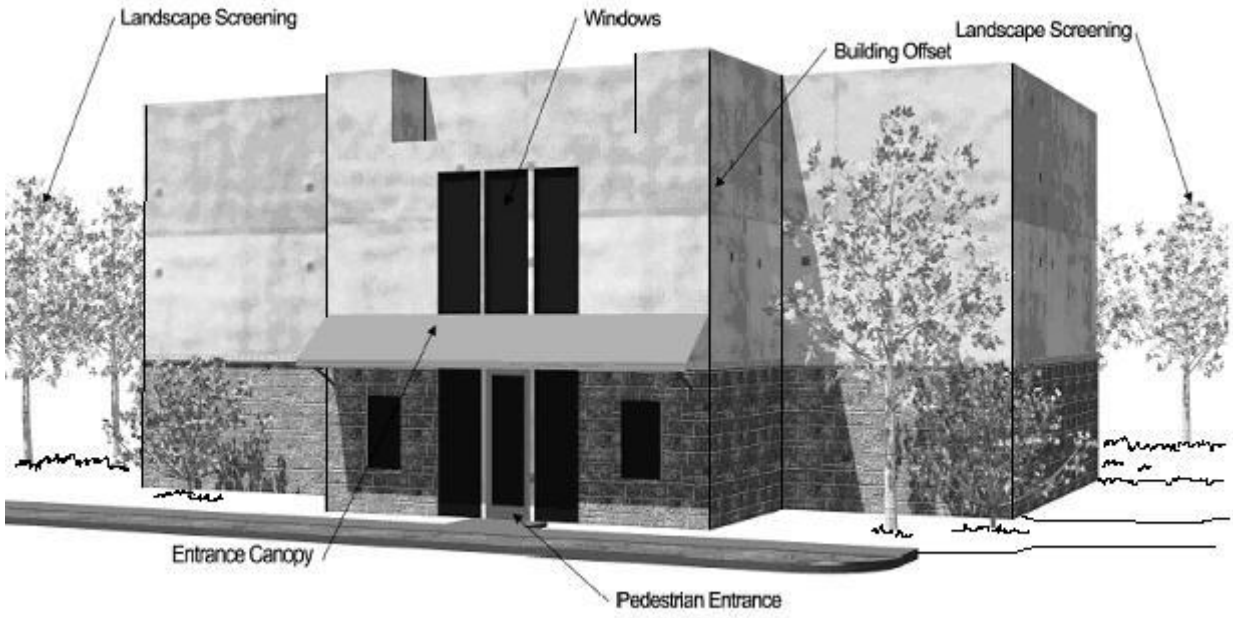


(ii) **Architectural Standards.** All developments in the Industrial Zones must be evaluated during Site Design Review for conformance with the criteria below:

(aa) **Building Mass.** Where building elevations are oriented to the street, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, must be used to break up and articulate large building surfaces and volumes greater than 75 linear feet in length. A minimum of 15% of the horizontal building façade must contain a variety of architectural features. The horizontal building elevation facing Highway 99 or Hampton Road in all development within the Industrial Zone with lots fronting on Highway 99 or Hampton Road must provide a minimum of 30% of the architectural features as described above.

Buildings over 10,000 square feet in size must incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; windows, and screening trees. The maximum width or length of a building may not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Special Use Permit.

Figure 9-2 - Architectural Features (Typical)



Note: Figure above is intended to illustrate typical building design elements, and should not be interpreted as a required architectural style.

(g) **Standards for Certain Uses.** The Industrial Zones accommodate a range of manufacturing, industrial office uses, and secondary small-scale personal service Commercial Uses.

(i) **Small Scale personal and professional services.** Small scale personal and professional service uses as specified in Table 8-1 must comply with the following development standards:

(aa) Small-scale personal and professional service uses may only be allowed when it is demonstrated that they will be secondary to the primary use of the building or development. No more than 2,500 square feet or 1% of the total square feet, whichever is greater, of a permitted use or use allowed with a Special Use Permit may be occupied by a secondary small-scale personal and professional service use.

(ii) **Accessory Uses and Structures**. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures not intended for habitation by people. Accessory uses and structures are allowed for all permitted land uses within the Industrial Zones. All accessory structures must have a building permit if required and comply with all of the following development standards:

(aa) Primary use required. An accessory structure or use is not allowed on a lot before an allowed primary use is established.

(bb) Restrictions. Accessory uses and structures may not be placed over an easement where such placement would be inconsistent with use of the easement, and may not encroach into the public right-of-way.

(cc) Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

(dd) Setback Standards. Accessory structures must comply with the setback standards of the underlying zone.

(iii) **Industrial Service uses in GI zone.** Industrial service uses are only allowed in the GI zone when secondary and subordinate to an approved primary use, and when the use is demonstrated to satisfy the following:

(aa) Create a job density of 8 jobs per net buildable acre at build out of the proposed use.

(iv) **Commercial/retail uses – existing properties with past commercial uses.** Commercial/retail uses are permitted on a property(ies) with a history of commercial/retail use where the primary use is located on a property that prior to the date of the adoption of this section was under ¼ acre is size. The use is subject to other applicable sections of this chapter. Any modification, addition, or alteration of the previous use or structures related to the use are subject to the applicable provisions of this Section 16.280. No commercial/retail use under this provision may exceed 3000 square feet in size.

(v) **Utilities.** Utility uses include the erection, construction, alteration, or maintenance of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including utility poles, wires, drains, sewers, pipes, conduits, cables and other similar equipment and accessories located outside of the public right of way.

Utility uses are only those conducted or operated by a public utility of municipal or other governmental agencies or licensed franchise.

Utility poles may exceed the height limits otherwise provided for in the applicable zone. In considering an application for a public or licensed franchise utility use, the Approval Authority must determine that all utility poles, overhead wires, pumping stations, equipment shelters and similar gear are located, designed and installed as to minimize their visual impacts. The Approval Authority may require screening as a condition of approval.

(vi) **Corporate Office/Headquarters.** This use is only allowed when directly associated with and subordinate to a primary permitted use or use allowed with a Special Use Permit on the same site. The portion of the corporate office/headquarter use must not exceed 25% of the square footage of the total building size for the entire primary use.

(vii) **Warehouse, Freight Movement, and Distribution.** Warehouse, Freight Movement, and Distribution uses are only allowed in the GI zone when secondary and subordinate to an approved primary use, and when the use is demonstrated to satisfy the following:

(aa) Create a job density of 8 jobs per net buildable acre at build out of the proposed use.

(10) Access and Circulation

(a) **Purpose.** The purpose of this subsection, Access and Circulation is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. The requirements of this subsection apply in addition to the provisions of Lane Code Chapter 15.

(b) Vehicular Access and Circulation

(i) **Access.** The access and facility permit provisions of Lane Code 15 must be met.

(ii) Construction

(aa) **Surface Options.** On site driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials may be subject to review and approval by the County Engineer.

(bb) **Stormwater Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds must have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities must be constructed in conformance with subsection (16)(d), Stormwater Management Requirements, and applicable engineering standards.

(c) **Pedestrian Access and Circulation**

(i) **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments must provide a continuous pedestrian system. The pedestrian system must be designed to meet the standards below:

(aa) **Continuous Walkway System.** An on-site pedestrian walkway system must connect within the development according to (cc)(A-C) below, and connect to any future phases of development, and to any existing or planned off-site abutting trails, public parks, and open space areas unless approved through a Special Use Permit. The developer may also be required to connect or stub walkway(s) to abutting streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of subsection (10)(b), Vehicular Access and Circulation, and subsection (16)(b), Roads.

(bb) **Safe, Direct, and Convenient.** Walkways within developments must provide safe, reasonably direct, and convenient connections between primary building entrances and all abutting streets, based on the following definitions:

(A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.

(B) **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(C) **"Primary entrance"** for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections must be provided to the main employee entrance.

(cc) **Connections within Development.** Connections within developments must be provided as required in subsections (A)-(C), below:

(A) Walkways must connect all building entrances to one another, as generally shown in Figures 10-1 through 10-3;

(B) Walkways must connect all on-site parking areas, storage areas, recreational facilities and common areas, and must connect

public off-site abutting uses to the site. Topographic or existing development constraints may be cause for not making certain walkway connections;

(C) Large parking areas must be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features, Street-like features, for the purpose of this subsection, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

Figure 10-1 - Pedestrian Walkway System (Typical)

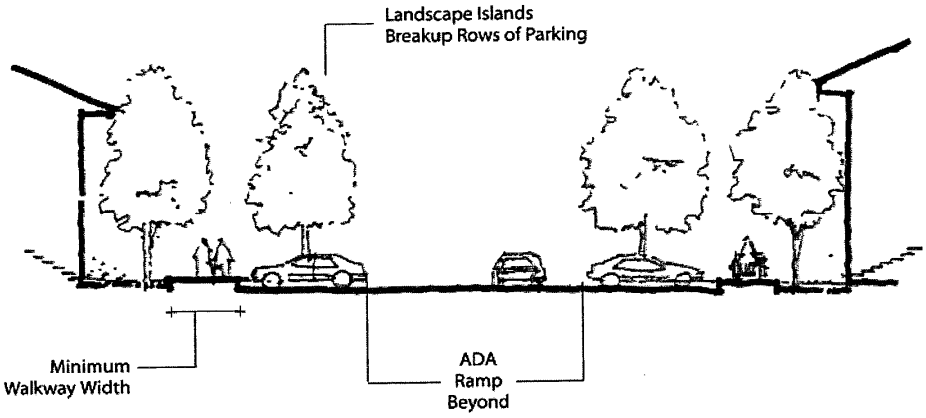
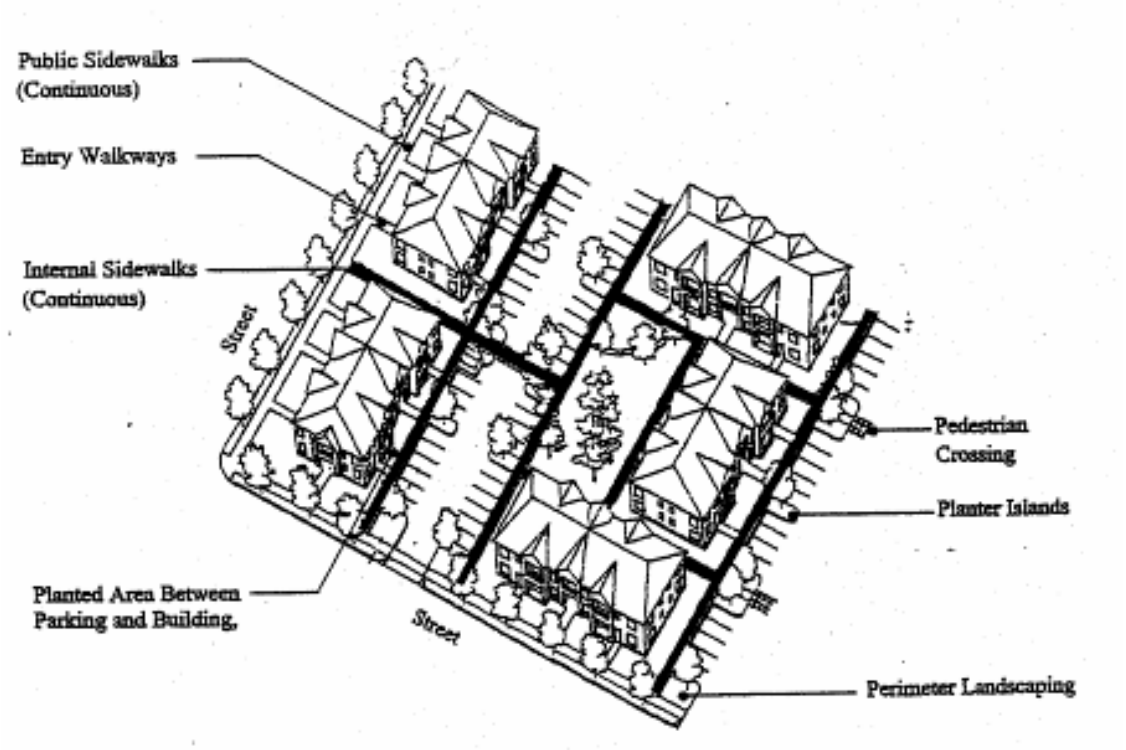


Figure 10-2 - Pedestrian Walkway System (Typical)



(ii) **Walkway Design and Construction.** Walkways, including those provided with pedestrian access ways, must conform to all of the standards in subsections (aa)-(dd) below, as generally illustrated in Figures 10-1 through 10-3:

(aa) **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, walkways must be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

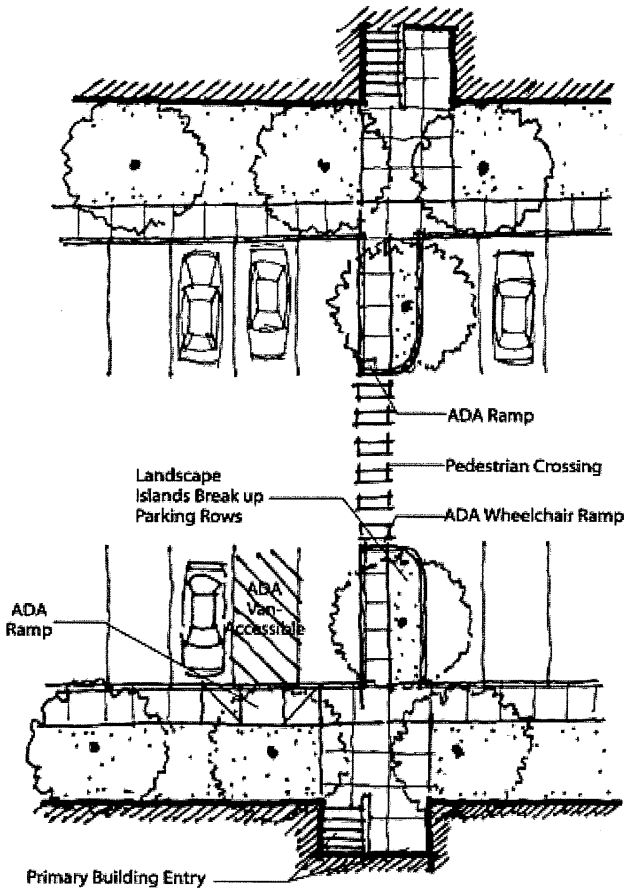
(bb) **Crosswalks.** Where walkways cross a parking area, driveway, or street ("crosswalk"), they must be clearly marked with contrasting paving materials (*e.g.*, light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

(cc) **Walkway Width and Surface.** Walkway and accessway surfaces must be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the County Engineer, at least six (6) feet wide. Multi-use

paths (i.e., for bicycles and pedestrians) must be concrete or asphalt, at least 10 feet wide.

(dd) **Accessible routes.** Walkways must comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street must provide ramps that are ADA accessible, and walkways must provide direct routes to primary building entrances.

Figure 10-3 - Pedestrian Walkway Detail (Typical)



(11) Landscaping, Fences, Walls and Screening

(a) Purpose. The purpose of this subsection, Landscaping, Fences, Walls and Screening is to promote community health, safety, and welfare by setting development standards for landscaping, fences, walls and screening. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

(b) Landscaping

(i) Applicability. This subsection applies to all new developments requiring Site Design Review.

(ii) Landscaping Plan Required. Submittal of a landscape plan is required. All landscape plans must conform to the requirements in subsection (6)(e)(i)(ee) (Landscape Plans).

(iii) Landscape Area Standards. The minimum percentage of required landscaping equals:

(aa) General Industrial (GI) Zone. 20 percent of the site.

(bb) Light Industrial (LI) Zone. 10 percent of the site.

(iv) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.

(aa) Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or abutting to parking areas) the applicant is permitted to reduce the number of new trees required by a ratio of one (1) inch caliper of new tree(s) for every one (1) inch caliper of existing tree(s) protected.

(bb) Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers must be used for all planted areas, the selection of which must be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils must be amended, as necessary, to allow for healthy plant growth.

(cc) Non-native, invasive plants. Non-native, invasive plants must be removed during site development and the planting of new invasive species is prohibited.

(dd) **Hardscape features**. Includes patios, decks, plazas and similar features. These features may cover up to ten 10 percent of the required landscape area.

(ee) **Ground Cover Standard.** All landscaped areas, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material, must have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy within three (3) years of planting.

(ff) **Tree Size.** Trees must have a minimum diameter or caliper 4 feet above grade of two [2] inches or greater at time of planting.

(gg) **Shrub Size.** Shrubs must be planted from a minimum of 3 gallon containers or larger.

(hh) **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but must cover no more than 25 percent of the area to be landscaped and must be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

(ii) **Stormwater Management Facilities.** Stormwater management facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under subsection (16)(d), must be landscaped in accordance with the design requirements of that subsection.

(v) **Landscape Design Standards.** All yards, parking lots, and required street tree planter strips must be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

(aa) **Yard Setback Landscaping.** Landscaping in yards must:

(A) Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;

(B) Use shrubs and trees as wind breaks where appropriate;

(C) Define pedestrian pathways and open space areas with landscape materials where appropriate;

(D) Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants where appropriate;

(E) Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;

(F) Use a combination of plants for year-long color and interest;

(G) Screen outdoor storage and mechanical equipment areas in accordance with subsection (11)(d) below, and to enhance graded areas such as berms, swales, and detention/retention ponds or swales.

(bb) **Parking areas.** A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, must be landscaped. Such landscaping must consist of "evenly distributed" shade trees where practical, with shrubs and/or ground cover plants that conform to the criteria in subsection (11)(b)(iv)(aa-ii) above.

"Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy where practical. Required trees may be clustered to provide visual interest. At a minimum, one tree per 6 parking spaces on average must be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 50 spaces must include landscape islands with trees to break up the parking area so that no parking space is more than 70 feet away from a landscape island. All parking area landscape beds must have dimensions of not less than 24 square feet of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.

(cc) **Parking/Maneuvering Area Abutting to Building.** Where a parking or maneuvering area, or driveway, is abutting to a building, the area must be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width along the length of the abutting area. Raised curbs, bollards, wheel stops, or other design features must be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

(vi) **Buffering**

(aa) A 20-foot minimum buffer zone is required between Industrial development in either the GI or LI zone and any abutting residential or resource zoned property. The buffer zone must be landscaped according to the landscaping provisions of this subsection to screen industrial activities such as parking, service and delivery areas, from residential or resource zones. The buffer must not contain any trash receptacles or storage of equipment, materials, vehicles, or mechanical equipment, etc.

For uses that require a Special Use Permit, the approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in this subsection when it finds through Special Use Permit review, subsection (7), that additional or different buffering is necessary to mitigate adverse impacts from parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy.

(bb) **Pedestrian Access.** The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways must conform to subsection (10), Parking and Loading.

(vii) **Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged. Irrigation must be provided. If the plantings fail to survive, the property owner must replace them within 6 months with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All human-made features required by this Chapter must be maintained in good condition, or otherwise replaced by the owner.

(c) **Fences and Walls.** Construction of fences and walls must conform to all of the following requirements:

(i) **General Requirements.** All fences and walls must comply with the development standards and height limitations of the respective zone, subsection (9) Development Standards, and the standards of this subsection. The County may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a Special Use Permit, or Site Design Review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review approval; if greater than 6 feet in height, a building permit is also required.

(ii) **Dimensions**

(aa) Except as provided under subsection (11)(d), Screening, below, the height of fences and walls within a front yard setback is limited to 4 feet as measured from the grade closest to the street right-of-way.

(bb) A retaining wall exceeding 4 feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or Site Design Review.

(cc) One arbor, gate, or similar garden structure not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle, unless approved through a Special Use Permit.

(dd) Fences and walls must comply with the vision clear zone of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40).

(iii) **Maintenance.** For safety and for compliance with the purpose of this subsection, walls and fences required as a condition of development approval must be maintained in good condition, or otherwise replaced by the property owner.

(iv) **Materials**

(aa) Permitted fence and wall materials: wood; metal; bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

(bb) Prohibited fence and wall materials: concrete blocks; straw bales; barbed or razor wire; scrap lumber, metal, or other scrap materials; hedges higher than 8 feet.

(cc) Fences or walls that are taller than 6 feet may require a building permit.

(v) **Fencing**

(aa) **Perimeter Fencing.** Lot perimeter fencing is only permitted within the Industrial zones under the conditions set forth in Table 11-1, Fencing Conditions.

(bb) **Standard Fencing.** Standard non-decorative fencing may be installed in areas not visible from street rights of way or adjoining properties within the Industrial zones. Standard fencing also may be used as specified in Table 9-1. A minimum quality of standard fencing is black vinyl-coated chain link.

(cc) **Upgraded Fencing.** Upgraded fencing must be provided as specified in Table 11-1. Upgraded fencing is intended to provide limited security, discourage trespass, and provide an informative demarcation between uses (e.g., public / private, institutional / private / public, etc.). Design considerations for upgraded fencing must include:

(A) Simplicity as opposed to excessive ornamentation.
(B) Low maintenance / ease of landscape maintenance on each side.
(C) Respect for the design theme of established development on abutting parcels.
(D) A clear relationship to the building's architecture.
(E) Consideration of a standard design where a large property shares a common boundary with several smaller properties.

(dd) **Architectural Screen Walls.** Architectural screen walls must be used to screen service and loading areas; above-ground utilities such as transformers and generators, exterior material and equipment storage areas, work yards, and trash and/or recycling areas. Architectural screen walls may be used to screen other on-site amenities such as private patios and employee break areas. Architectural screen walls must be integrated

into the overall building architectural statement, employing materials and colors drawn from the building design palette. The required size of an area enclosed by an architectural screen wall is the minimum necessary to accommodate the facility or operation that is to be screened.

(vi) **Fencing on Steep Slopes.** Properties with more extreme variations in topography (e.g., substantial slopes abutting to relatively flat areas) must employ fencing and/or screening design approaches that are thoughtfully integrated with the site's unique characteristics while fulfilling the overall functional intent of these features. Stair-step fence profiles are not allowed.

Table 11-1 Fencing Conditions

Condition	Sub-condition	Required Treatment (Minimum Standard)
Property line adjacent to a public right of way.	Improved right of way.	Upgraded fencing.
	Unimproved right of way.	No requirement prior to development.
Property line adjacent to the railroad right of way.		Standard Fencing.
Property line on the west or south perimeter of the Goshen Industrial area.	Adjacent to residential or resource zoned property.	Standard Fencing.
	Adjacent to Commercial zoned property.	Upgraded Fencing.
	Adjacent to permanent open space.	Upgraded Fencing.
	Adjacent to Public Facility zoned property.	Standard Fencing
Property line adjacent to a park or open space.		Upgraded Fencing.
Property line on the east perimeter of the Goshen Industrial area.	Adjacent to residential or resource zoned property.	Upgraded Fencing.
	Adjacent to commercial zoned property.	Upgraded Fencing.
Fencing/Screening around a Loading or Exterior storage area.	Visible from the right of way.	Architectural Screen Wall.
	Not visible from the right of way.	Standard Fencing.
Screening around a trash and/or recycling enclosure or exterior storage.		Architectural Screen Wall.
Fencing around a secure parking lot.	Visible from the right of way.	Upgraded Fencing.
	Not visible from the right of way.	Standard Fencing.

(d) Screening

Screening Required. Screening is required under the following conditions:

(i) Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, must be screened from view from all abutting public streets and abutting residential or resource zones. This required screening is required to be a minimum of 6 feet in height and provided by:

(aa) a decorative wall (i.e., masonry or similar quality material);
(bb) evergreen hedge;
(cc) opaque fence complying with subsection (11)(c); or
(dd) a similar feature that provides an opaque barrier.

Walls, fences, and hedges must comply with the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40) and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.

(ii) **Parking/Maneuvering Area Abutting Streets and Drives.** Where a parking or maneuvering area is abutting and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; or arcade, trellis, or similar partially opaque structure 3-4 feet in height is required between the parking or maneuvering area and the street or driveway. The required screening must have breaks, where necessary, to allow pedestrians access to the site. The design of the wall or screening must also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard must be a minimum of 36 inches in height within three (3) years of planting, and must be of such species, number, and spacing to provide the required screening within three (3) years after planting. Any areas between the wall/hedge and the street/driveway line must be landscaped with plants or other vegetative ground cover.

(iii) **Flag Lot Screen.** In approving a flag lot, the County may require a landscape screen, fence or both be installed along property line(s) of the flag lot, for privacy of adjoining property, in accordance with the provisions of this subsection. A flag lot screen is not required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at the owner's discretion.

(12) Parking and Loading

(a) **Purpose.** The purpose of this subsection, Parking and Loading, is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some employment areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This subsection recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This subsection also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

(b) **Applicability.** All developments subject to Site Design Review, subsection (6) including development of parking facilities, must comply with the provisions of this subsection.

(c) **Automobile Parking Standards**

(i) **Vehicle Parking - Minimum Standards by Use.** The number of required off-street vehicle parking spaces must be determined in accordance with the standards in Table 12-1, <u>or</u> alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Special Use Permit approval. Where a use is not specifically listed in this table, parking requirements are

determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

Table 12-1 – Minimum Required Parking by Use

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Commercial Categories	
Offices	2 spaces per 1,000 sq. ft. floor area
Self-Service Storage	No standard
Industrial Categories	
Industrial Service	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area
Wholesale Sales - fully enclosed - not enclosed	 1 space per 1,000 sq. ft. per SUP review (subsection (7))

(ii) Vehicle Parking - Minimum Accessible Parking

(aa) Accessible parking must be provided for all uses in accordance the standards in Table 12-2; parking spaces used to meet the standards in Table 12-2 are counted toward meeting off-street parking requirements in Table 12-1;

(bb) Such parking must be located in close proximity to building entrances and must be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

(cc) Accessible spaces must be grouped in pairs where possible;

(dd) Where covered parking is provided, covered accessible spaces must be provided in the same ratio as covered non-accessible spaces;

(ee) Required accessible parking spaces must be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs must be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces must be specifically identified as such.

Table 12-2 - Minimum Number of Accessible Parking Spaces
(Source: ADA Standards for Accessible Design)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **one out of every 8 accessible spaces		***7 out of every 8 accessible parking spaces	

(iv) **On-Street Parking.** On-street parking must conform to the following standards:

(aa) **Dimensions.** The following constitutes one on-street parking space:

(A) Parallel parking, each 22 feet of uninterrupted curb;
(B) 45 degree diagonal, each with 12 feet of curb;
(C) 90 degree (perpendicular) parking, each with 12 feet of curb.

(bb) **Location.** Parking may be counted toward the minimum standards in Table 12-1 when it is on the block face abutting the subject land use. On-street parking spaces must be located such that when occupied they do not obstruct a required clear vision area and do not violate any law or street standard.

(cc) **Public Use Required for Credit.** On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but must be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

(v) **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The County may approve owner requests for shared parking through Land Use Review.

(vi) **Off-site parking.** Except for single-family dwellings, the required vehicle parking spaces may be located on another parcel of land, provided the parcel is within ¼ mile of the use it serves and the County has approved the off-site parking through a Special Use Permit. The distance from the parking area to the use is measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

(vii) **General Parking Standards**

(aa) **Location.** Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Subsection (10), Access and Circulation, provides design standards for driveways. Street parking spaces must not include space in a vehicle travel lane (including emergency or fire access lanes), pedestrian accessway, landscape, or other undesignated area.

(bb) **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking is the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g., the uses operate on different days or at different times of the day). The County may reduce the total parking required accordingly through Site Design Review.

(cc) **Availability of facilities.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs must conform to the standards of subsection (15), Signs.

(dd) **Lighting.** Parking areas must have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Lighting must meet the requirements of subsection (14), Outdoor Lighting Standards.

(ee) **Screening of Parking Areas.** Parking spaces must be located or screened so that headlights do not shine onto abutting residential or resource uses. Screening for this purposed must meet the requirements of subsection (11)(d), Screening.

(ff) **Parking and Loading Setback**. Where an Industrial zone abuts a residential or resource zone, any off-street parking and loading areas must be set back at least 20 feet from the abutting residential or resource property line and the setback area must be landscaped to provide a buffer along the adjoining residential or resource property. Landscaping must be maintained by the property owner and must meet the standards of subsections (11)(b), Landscaping.

(gg) **Parking and Circulation**. No vehicle circulation or parking except for access driveways must be permitted within any required minimum front yard setback area.

(viii) **Parking Stall Design and Minimum Dimensions.** All off-street parking spaces must be improved to conform to County standards for surfacing, stormwater management, and striping or as otherwise allowed in Chapter 16.280. Standard parking spaces must conform to the following standards:

(aa) Motor vehicle parking spaces must measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;

(bb) All parallel motor vehicle parking spaces must measure eight (8) feet six (6) inches by twenty-two (22) feet;

(cc) Parking area layout must conform to the dimensions in Figure 12-1 and 12-2, and Table 12-3 below;

(dd) Parking areas must conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and

(ee) Bicycle parking must be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio of residential use. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device.

Figure 12-1 - Parking Area Layout

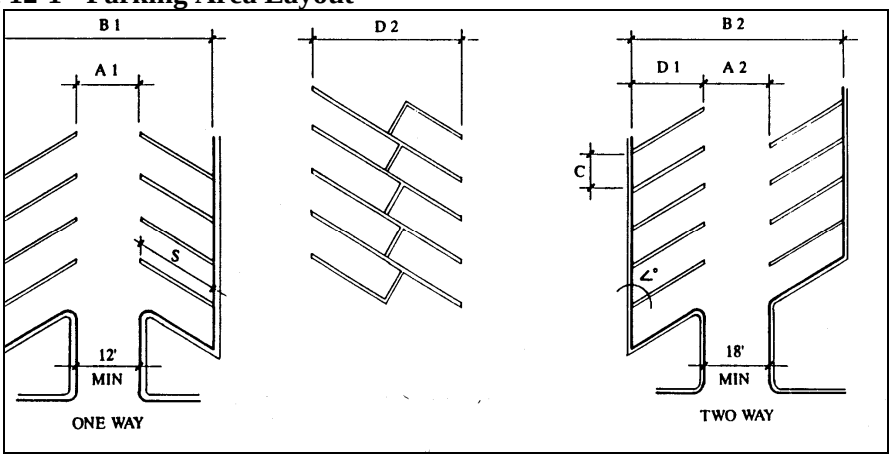


Figure 12-2 ADA Parking Requirements

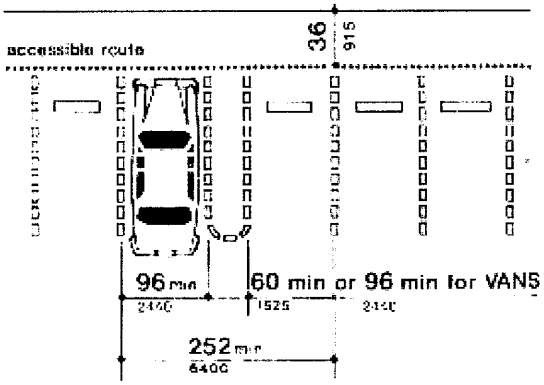


Table 12-3 - Parking Area Layout

	PARKING ANGLE	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
Standard Space (See Figure 10-2 for ADA space requirements)			SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Important cross-references:
See also subsection (10), Access and Circulation, for driveway standards; subsection (11), Landscaping, Fences, Walls and Screening; and subsection (16)(d), Stormwater Management.

(d) **Bicycle Parking Requirements.** All uses that are subject to Site Design Review must provide bicycle parking, in conformance with the standards in Table 12-4, and subsections (i-viii), below.

(i) **Minimum Required Bicycle Parking Spaces.** Uses must provide long- and short-term bicycle parking spaces, as designated in Table 12-4. Where two options are provided (e.g., 2 spaces, or 1 per 12,000 square feet of floor area), the option resulting in more bicycle parking is used.

Table 12-4 - Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None

(ii) **Exemptions.** This subsection does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.

(iii) **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device;

(iv) **Visibility and Security.** Bicycle parking for customers and visitors of a use must be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

(v) **Options for Storage.** Long-term bicycle parking requirements for employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

(vi) **Lighting.** For security, bicycle parking must be at least as well lit as vehicle parking.

(vii) **Reserved Areas.** Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.

(viii) **Hazards.** Bicycle parking must not impede or create a hazard to pedestrians. Parking areas must be located so as to not conflict with any vision clear zone.

(e) **Loading Areas**

(i) **Purpose.** The purpose of this subsection of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate

loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

(ii) **Applicability.** Subsection (12)(e) applies to non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

(iii) **Number of Loading Spaces**

(aa) Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses must meet the following standards:

(i) Less than 20,000 square feet total floor area: No loading spaces required.

(ii) 20,000 to 50,000 square feet of total floor area: One loading space.

(iii) More than 50,000 square feet of total floor area: Two loading spaces.

(iv) **Size of Spaces.** Required loading spaces must be at least 35 feet long and 10 feet wide, and must have a height clearance of at least 13 feet.

(v) **Placement, setbacks, and landscaping.** Loading areas must conform to the setback and perimeter landscaping standards in subsection (9) Development Standards, and subsection (11) Landscaping, Fences, Walls and Screening. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

(13) Noise Standards

All new development must be designed and constructed so that operation of the uses on the property will comply with the State of Oregon Noise Control Regulations contained in Oregon Administrative Rule (OAR) 340-035-0005 thru 340-035-0100, where applicable. The County requires as an ongoing condition of approval that these standards are met.

(14) Outdoor Lighting Standards

(a) **Purpose**. The purpose of this subsection, Outdoor Lighting Standards is to allow citizens, businesses, and public agencies in the community of Goshen to illuminate commercial, industrial, public areas, roadways and walkways with lighting fixtures appropriate to the need while using such illumination in a way that preserves vistas and is directed onto and is confined to the property from which the light is generated.

(b) **Outdoor Lighting Fixtures Subject to this Ordinance**. Light fixtures subject to the standards in subsection (14)(c) are outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices must include, but are not limited to, lights for:

(i) Buildings and structures;
(ii) Recreational areas;
(iii) Parking lot and maneuvering areas;
(iv) Landscape areas;
(v) Streets and street signs;
(vi) Product display area;
(vii) Building overhangs and open canopies;
(viii) Holiday celebrations;
(ix) Construction Lights;

(c) **Standards for installation and operation of outdoor lighting**. Except as exempt by subsection (14)(d) new outdoor lighting fixtures installed after the effective date of this subsection, are subject to the standards below. No provision of this subsection is intended to pre-empt the Lane County Sign Code or applicable state codes.

(i) All outdoor lighting fixtures subject to this subsection must be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto abutting properties.

(ii) All lighting for roadways, roadway signs, intersections, and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

(iii) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

(iv) The operation of searchlights for advertising or promotional purposes is prohibited.

(v) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.

(vi) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the Lane County Sign Code.

(d) **Exemptions**. The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this ordinance. These exemptions do not prevent the County from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.

(i) All outdoor light fixtures lawfully installed and operating prior to the effective date of this ordinance, and not prohibited by this ordinance. This exemption does not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life in the community of Goshen and the surrounding areas.

(ii) Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine visible glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.

(iii) Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and do not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain or limit illumination of the sky.

(iv) Low wattage lights used for holiday decorations for no more than 60 days are exempt from the requirements of this ordinance.

(v) Outdoor mass gatherings, as defined by ORS 433.735, that do not require a land use decision, that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

(vi) U.S. flags displayed by top mounted lighting only. The illumination of all flags other than the U.S. flag must be extinguished at the end of public business hours or by 10:00 PM whichever is later.

(vii) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one vicinity. Permanent installations at dedicated sites must conform to the requirements of this ordinance.

(viii) All outdoor light fixtures used to highlight art features within a traffic circle or round-about providing they are properly aimed and shielded to not shine visible glare into the public right of way or onto abutting or nearby properties.

(e) **Definitions.** The following definitions apply to terms in this subsection**.**

(i) End of business hours or End of business. “End of business hours or end of business” means the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.

(ii) Full Cut-off. "Full Cut-off" means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See illustrations below]

(iii) Glare. "Glare" means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.

(iv) High intensity discharge lighting. **"**High intensity discharge lamp lighting" means high pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps**.**

(v) Installed. "Installed" means initial installation of outdoor lighting fixtures**,** poles, electrical wiring, and related mounting equipment following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.

(vi) Low Wattage lights. "Low Wattage Lights" means 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.

(vii) Replacement. "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. Replacement does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

(viii) Safety / security. "Safety" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.

(ix) Shielding. "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto abutting or nearby property.

(x) Unshielded. "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto abutting or nearby property.

(xi) Up-lighting. "Up lighting" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an abutting or nearby building element, shrub, tree or other landscaping.

Figure 12-1 Examples of full cut off light fixtures (typical)

(15) Signs

(a) Signs may not extend over a public right-of-way or project beyond the property line.

(b) Signs may be illuminated but may not be flashing or capable of movement.

(c) Signs may not exceed 100 square feet of surface area on any one of two sides.

(d) Signs may not project above the height of the tallest structure on the property.

(e) Signs may only advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above.

(16) Utility Facilities

(a) Purpose and Applicability

(i) Purpose. The purpose of this subsection, Utility Facilities is to provide planning and design standards for public or private utilities and easements for transportation, sewer, water, and storm drainage improvements.

(ii) When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of utilities, and other private improvements must comply with the standards of this subsection. Public and private facilities related to a particular development must comply with the public facility requirements established in this subsection.

(iii) Engineering Design Criteria, Standard Specifications and Details. The County's specifications, standards, and details contained in Lane Manual 15.450 are hereby incorporated into this code by reference.

(iv) Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed,

in conformance with the provisions of Lane Code. On-site improvements required as a condition of development approval, when not voluntarily accepted by the applicant, must be roughly proportional to the impact of the development on public facilities. Where on-site improvements are required, the Approval Authority must include findings in the development approval indicating how the required improvements are directly related and roughly proportional to the impact from the proposed development.

(b) Roads

Development subject to the provisions of this section (16.280) of Lane Code must comply with Lane Code Chapter 15, Roads, except as provided below.

(i) Traffic Impact Analysis Requirements. The County may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with LC 15.697.

Exception: Lane Code 15.697 does not apply to any development proposal that if approved will result in an increase of less than 50 peak hour automobile trips.

However, all developments must at a minimum provide a trip generation or debit letter to document how many trips are associated with the proposed use.

(c) Sanitary Sewer and Water Service Improvements. The proposed use and development must not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

The proposed use and development must not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information must 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. Approval of an on-site sewage disposal system from the property approval authority must constitute adequate factual information to demonstrate compliance with sewer component of this standard.

When a community water or sewer system is proposed to provide service to a use or development, the following standards apply:

(i) Sewers and Water Mains Required. Sanitary sewers and water mains must be installed to serve each new development and to connect developments to existing mains in accordance

with the County's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements must also be stubbed with the streets, except as may be waived by the County Engineer.

(ii) **Sewer and Water Plan Approval.** Development permits for sewer and water improvements will not be issued until the County Engineer has approved all sanitary sewer and water plans in conformance with County standards.

(iii) **Over-Sizing.** The County may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the County may grant the developer credit toward any required system development charge for the same.

(iv) **Inadequate Facilities.** Development permits may be restricted by the County where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

(d) **Stormwater Management Requirements**

(i) **General Provisions.** The County will issue a development permit only where adequate provisions for stormwater and flood water runoff have been made in conformance with the stormwater management requirements set forth in this subsection 16.280(d).

Connections to drainage facilities within the County right-of-way must be authorized through facility permits issued by the Director in accordance with ORS 374.305 through 374.340.

(ii) **Definitions.** For the purposes of this Section and the Stormwater Management Manual, the following definitions apply:

(aa) **Base Flood**. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

(bb) **Biofiltration**. Deliberate filtering of sediments and other pollutants from stormwater runoff by directing

flow through a vegetated area.

(cc) **Channel Maintenance**. Periodic removal of debris, sediment, vegetation, litter and other material within the bed or banks of a stream or channel recognized as part of the city's stormwater drainage system, and performed by the city or in accordance with county policy.

(dd) **Channelize, Channelizing**. Human alteration of the bed or banks of a natural stream or river to maintain or increase its conveyance or capacity characteristics without maintaining its natural character, typically by straightening its course, increasing its depth and removing obstructions in the bed or on the banks.

(ee) **Constructed Wetlands**. A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.

(ff) **Easement of Record**. A valid easement that is recorded and on file at the Lane County Recorder's office.

(gg) **Enhancement**. To increase or improve natural values in one or more of the following ways:

- Increasing the wildlife habitat value by increasing the supply and diversity of natural food sources throughout the year, increasing the diversity and duration of water features throughout the year or increasing the diversity in size and structure of plants.
- Improving water quality by reducing the amount of pollutants entering the water or removing pollutants already in the water.
- Improving the natural character by encouraging and allowing natural vegetation to grow in natural patterns according to soil and water conditions.
- Removing litter, refuse and unnatural fill.
- Improving the capacity of the area to contain, detain or filter stormwater runoff.

(hh) **Flood, or Flooding**. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; or
- The unusual and rapid accumulation of runoff of surface waters from any source.

(ii) **Flood control design storm.** A theoretical storm for evaluating the capacity of the storm drainage system and designing improvements for the required level of protection, in accordance with the Stormwater Management Manual.

(jj) **Flood Insurance Rate Map (FIRM)**. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(kk) **Flood Insurance Study**. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(ll) **Floodway**. The channel of a river or other watercourse and the adjacent land areas designated as a floodway by the Federal Emergency Management Agency.

(mm) **Flow control facility.** Any structure or drainage device that is designed, constructed, and maintained to collect, retain, infiltrate, or detain surface water runoff during and after a storm event for the purpose of controlling post-development water quantity leaving the development site.

(nn) **Goal 5 Water Resource Site.** The resource site as identified in the Goal 5 Water Resources Conservation Plan. For riparian corridor and upland wildlife habitat sites, the Goal 5 Water Resource Site includes the stream and riparian areas that may extend beyond applicable conservation setbacks. Wetland sites include only the wetland, itself.

(oo) **Grassy Swales**. Shallow ditches lined with grass or other vegetation for the purpose of filtering sediments and other pollutants from stormwater runoff.

(pp) **Impervious surface/area.** Any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from conditions pre-existing to development. Types of impervious surface include, but are not limited to, rooftops, asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas.

Note: Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.

(qq) **Natural Drainageways**. Natural rivers, streams, channels, creeks, or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized, and which retain a predominantly natural character.

(rr) **Natural Functions and Values**. Characteristics of a site that contribute to the healthy and effective functioning of natural processes on the site, along with the contribution made by the site to the healthy and effective functioning of the larger natural resource system of which the site is a part; including but not limited to improvement of water quality, provision of food, water and cover for wildlife, storage capacity for flood waters, protection against erosion, sediment removal, fisheries habitat, and groundwater recharge or discharge.

(ss) **Natural Resource Area**. The area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake or upland wildlife habitat area.

(tt) **Oil control facility.** Any structure or drainage device that is designed, constructed, and maintained to remove oil and grease from storm runoff.

(uu) **Open Waterway**. A natural or human-made swale, creek, stream, open channel, ditch or other similar water feature, that has a defined and identifiable channel with slopes, that is predominantly of earthen material, and that has the specific function of conveying and/or storing stormwater runoff.

(vv) **Property suspected or known to contain contaminants in the soil or groundwater.** Any real property where the presence of any hazardous substance or petroleum product indicates an existing release, past release, or threatened release of a hazardous substance or petroleum product into the ground, ground water, or surface water of the property.

(ww) **Protected Wetland, Protected Natural Resource**. A wetland or other natural resource identified for

protection in an adopted plan.

(xx) **Stormwater Management Manual**. For purposes of this Section, the Stormwater Management Manual means the City of Eugene Stormwater Management Manual (April 2008 version), which has been adopted and incorporated by reference, and made applicable to the area subject to this Section 16.280.

(yy) **Stormwater Management Facility.** Any structure or configuration of the ground that is used or, by its location, becomes a place where stormwater flows or is accumulated, including but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways, runoff control facilities, wetlands, and their accessories.

(zz) **Water Features**. Permanent or intermittent bodies of water, including streams, ponds, rivers, lakes, drainage channels, open waterways and jurisdictional wetlands.

(aaa) **Water Quality Design Storm.** A theoretical storm for estimating the amount of stormwater runoff to be treated. Facilities designed to store and treat a volume of stormwater must be sized in accordance with the Stormwater Management Manual.

(bbb) **Wetland**. Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws.

(ccc) **Wetland Boundary**. Any mapped wetland boundary produced by methods consistent with state and federal law and policy and for which a concurrence has been made in writing by the applicable state or federal agencies.

(iii) **Stormwater Management Manual**. In order to implement applicable stormwater management requirements, Lane County has adopted and incorporated by this reference the April 2008 version of the City of Eugene Stormwater Management Manual as part of this Section 16.280 by Ordinance No. 13-2.

The Lane County Land Management Division will maintain and make available to the public copies of the Stormwater Management Manual.

(iv) **Flood Control.**

(aa) **Purpose.** The purpose of Flood Control standards is to protect life and property from flood and drainage hazards by maintaining the capacity of the County's stormwater conveyance system through the establishment of destination regulations for stormwater runoff from development.

(bb) **Applicability and Exemptions.** Destination standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.

(cc) **Standards.** Surface discharges from onsite facilities must be discharged to an approved drainage facility. On-site infiltration is the preferred stormwater destination for all developments. Stormwater drainage facilities must be designed and constructed according to adopted plans and policies, and in accordance with the stormwater destination provisions and the facility design requirements set forth in the Stormwater Management Manual. Stormwater management must avoid a net negative impact on nearby streams, wetlands, groundwater and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management must be met by the owner/operator prior to facility use.

(dd) **Underground Injection Control Systems.** Stormwater runoff disposed of in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044. To utilize Underground Injection Controls for stormwater management the owner/operator must obtain authorization from the Oregon Department of Environmental Quality prior to facility use.

(v) Stormwater Pollution Reduction.

(aa) Purpose. The purpose of Stormwater Pollution Reduction standards is to reduce the impacts of development on water quality by providing standards for the capture and treatment of stormwater runoff from development.

(bb) Applicability and Exemptions. Water Quality standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.

(cc) Standards. The quality of the stormwater leaving the site after development must be equal to or better than the quality of the stormwater leaving the site before development, as much as is practicable based upon the following:

(A) Applications must include pollution reduction facilities selected from the Stormwater Management Manual as follows:

(i) For land use applications for undeveloped land, the selected pollution reduction facilities must treat all the stormwater runoff from the development site that will result from the water quality design storm;

(ii) For land use applications that change or add development to an already developed site, the selected pollution reduction facilities must treat the stormwater runoff from all added and replaced impervious surface that will result from the water quality design storm;

(iii) For development permit applications, the selected pollution reduction facilities must treat all stormwater runoff from all new or replaced impervious surface, or an equivalent on-site area, that will result from the water quality design storm;

(B) All pollution reduction facilities must be sited, designed and constructed according to the pollution reduction provisions and the facility design requirements set forth in the Stormwater Management Manual.

(vi) Stormwater Flow Control.

(aa) **Purpose.** The purpose of Stormwater Flow Control standards is to protect waterways from the erosive effects of increases in stormwater runoff peak flow rates and volumes resulting from development.

(bb) **Applicability and Exemptions.** Flow Control standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.

(cc) **Standards.** The quantity and flow rate of stormwater leaving the site after development must be equal to or less than the quantity and flow of stormwater leaving the site before development, as much as practicable, based on the following criteria:

(A) Applications must demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development that is the subject of the application;

(B) All facilities to control the rate of stormwater runoff must be sited, designed and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual. Flow control facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual.

(vii) Stormwater Oil Control.

(aa) **Purpose.** The purpose of Stormwater Oil Control standards is to protect the County's stormwater system

from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants.

(bb) **Applicability.** Oil control standards apply to:

(A) All new commercial and industrial development with parking lots that store wrecked or impounded vehicles; or

(B) Any development that would result in an expected daily traffic count greater than one hundred vehicles per 1,000 square feet of gross building area, based on the most recent version of The Institute of Transportation Engineers' Trip Generation Manual; or

(C) Any development that would result in 100 or more off-street parking spaces.

(cc) **Standards.** All oil control facilities must be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual.

(viii) **Stormwater Source Controls.**

(aa) **Purpose.** The purpose of Stormwater Source Control standards is to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater.

(bb) **Applicability and Exemptions.** Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in below.

(A) Fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises. A fuel dispensing facility is the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers. Exempt from this subsection are:

(i) Propane tanks.

(ii) Fuel dispensing areas generally used to service oversized equipment, for example cranes, that cannot maneuver under a roof or canopy.

(iii) Existing fueling areas where scope of work is limited to a new canopy installation over an existing fuel pad that is not being upgraded, an underground tank replacement for compliance with state regulations, or the replacement of a fuel pump on an existing fuel pad that is not being upgraded.

(B) Exterior storage of liquid materials, for example chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products in aboveground containers, in quantities of 50 gallons or more, including permanent and temporary storage areas. Exempt from this subsection are underground storage tanks or installations requiring a Water Pollution Control Facility (WPCF) permit and containers with internal protections (such as double-walled containers).

(C) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for one and two family dwelling and areas used for the temporary storage of wood pallets or cardboard.

(D) Developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, as the terms "high risk" and "low risk" are in the Stormwater Management Manual. Exempt from this subsection are:

(i) Materials which have no measurable solubility or mobility in water and no hazardous, toxic or flammable properties.

(ii) Materials which exist in a gaseous form at ambient temperature.

(iii) Materials, except for pesticides and fertilizers, that are contained in a manner that prevents contact with stormwater.

(E) Developments proposing the installation of new material transfer areas as defined in the Stormwater Management Manual, or structural alterations to existing material transfer areas, such as access ramp re-grading and leveler installations. Exempt from this subsection are areas used only for mid-sized to small-sized passenger vehicles and restricted by lease agreements or other regulatory requirements to storing, transporting or using

materials that are classified as domestic use, for example, primary educational facilities (elementary, middle or high schools), buildings used for temporary storage and churches.

(F) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

(i) Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.

(ii) Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.

(iii) One and two family dwelling sites.

Development that is intended for the storage of 10 or more fleet vehicles must include a designated vehicle washing area.

(G) All development projects that disturb property suspected or known to contain contaminants in the soil or groundwater.

(H) All development with new covered vehicle parking areas, or existing parking structures that are being developed. Exempt from this subsection are single-level canopies, overhangs and carports.

(cc) **Standards.** All source controls must be designed and constructed according to the source control provisions set forth in the Stormwater Management Manual.

(dd) **Enforcement**. Failure to construct, operate and maintain source controls when a land use application, development permit or tenant improvement has resulted in a defined site use or characteristic listed above is subject to enforcement in accordance with Lane Code.

(ix) Dedication of Stormwater Easements.

(aa) **Purpose.** The purpose of Dedication of Stormwater Easements is to ensure that County maintained stormwater management facilities designed and constructed in accordance with adopted policies and the Stormwater Management Manual can be accessed by the County for routine and/or emergency maintenance to protect life and property from flood and drainage

hazards, ensure that water quality is protected, and to ensure that waterways in the headwaters area are protected from the erosive effects of runoff.

(bb) **Applicability.** Stormwater easement standards apply to all land use applications and development permits that result in the construction of a County maintained Stormwater Management Facility.

(cc) **Standards.** The applicant must dedicate public easements approved by the County over County maintained stormwater management facilities provided the County makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:

(A) Except for areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.

(B) For areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.

(C) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.

(D) To provide necessary drainage from the public right-of-way.

(E) Where the County has accepted functional maintenance responsibility for pollution reduction and/or flow control facilities.

(x) **Stormwater Operation and Maintenance.**

(aa) **Purpose.** The purpose of Stormwater Operation and Maintenance standards is to ensure that stormwater management facilities designed and constructed in accordance with the Stormwater Management Manual are operated and maintained in a manner that protects life and property from flood and drainage hazards, protects water quality, and protects the waterways from the erosive effects of runoff.

(bb) **Applicability.** Operation and maintenance standards apply to all facilities designed and constructed in accordance with the Stormwater Management Manual.

(cc) **Standards**

(A) Unless the County accepts the responsibility to operate and maintain a stormwater facility, all stormwater management facilities must be privately operated and maintained.

(B) All stormwater facilities must be operated and maintained in accordance with Lane Code and the Stormwater Management Manual.

(C) Applications proposing private operation and maintenance of all or part of the stormwater facility must include an Operations and Maintenance Plan in accordance with the forms adopted as a part of the Stormwater Management Manual.

(D) A maintenance log is required. The log must provide a record of all site maintenance related activities. The log must include the time and dates of facility inspections and specific maintenance activities, and must be available to County inspection staff upon request.

(dd) **Enforcement**. Failure to operate or maintain the Stormwater Management Facility according to the Operations and Maintenance Plan may result in enforcement action, including a civil penalty, as specified in Lane Code.

(e) **Utilities**

(i) **Underground Utilities**

(aa) **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities must be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

(bb) **Subdivisions.** The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

(A) The developer must make all necessary arrangements with the serving utility to provide the underground services. Care must be taken to

ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic as required in Lane Code (LC) 15.095(3) and as defined in LC 15.010(40);

(B) The County reserves the right to approve the location of all surface-mounted facilities;

(C) All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, must be constructed prior to the surfacing of the streets; and

(D) Stubs for service connections must be long enough to avoid disturbing the street improvements when service connections are made.

(ii) **Exception to Undergrounding Requirement**. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

(f) **Easements**

(i) **Provision.** The developer or applicant must make arrangements with the County, the applicable zone, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The County's standard width for public main line utility easements is determined by the County Engineer.

(ii) **Recordation.** As determined by the County Engineer, all easements for sewers, stormwater management, water quality facilities, water mains, electric lines, or other public utilities must be recorded with the final plat. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

(g) Construction Plan Approval and Assurances

(i) Plan Approval and Permit. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements may be undertaken until the plans have been approved by the County, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the County for construction and other services in connection with the improvement. The permit fee is set by the County.

(ii) Performance Guarantee. The County may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

(h) Installation

(i) Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, must conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the County.

(ii) Commencement. The County must be notified in advance in writing before any work begins.

(iii) Resumption. If work is discontinued for more than one month, the County must be notified in writing before work is resumed.

(iv) County Inspection. Improvements must be constructed under the inspection and to the satisfaction of the County. The County may require minor changes in typical standards and specifications, and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review as a modification of approval and/or conditions of approval. Any monuments that are disturbed before all improvements are completed by the subdivider must be replaced prior to final acceptance of the improvements.

(v) Engineer's Certification and As-Built Plans. A registered engineer must provide written certification in a form required by the County that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to County acceptance of the public improvements, or any portion thereof, for operation

and maintenance. The developer's engineer must also provide two set(s) of "as-built" plans, in conformance with the County Engineer's specifications, for permanent filing with the County.

RURAL COMMERCIAL ZONE (RC, RCP)
16.291 Rural Commercial Zone (RC, RCP).

RURAL COMMERCIAL ZONE (RC, RCP)
RURAL COMPREHENSIVE PLAN

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), ~~and~~ (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.

(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) <u>Uses and Development Subject to Approval by the Director</u>. 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: submittal of a land

use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal. The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) 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.

(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:

(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.

(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 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(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall be limited to 100 square feet.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are permitted by LC 16.291(2)(a) through (j) or (3)(a) through (c-c) above and that are conducted on the same premises where the signs are located; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 11-04, 6.11.04; 5-04, 7.1.04; 7-12, 12.28.12)*

RURAL COMMERCIAL ZONE (RC, RCP)
16.291 Rural Commercial Zone (RC, RCP).

RURAL COMMERCIAL ZONE (RC, RCP)
RURAL COMPREHENSIVE PLAN

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.

(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) <u>Uses and Development Subject to Approval by the Director</u>. 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: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal. The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements elsewhere in LC Chapter 16; and

review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) 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.

(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:

(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.

(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 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(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian

setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall be limited to 100 square feet.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are permitted by LC 16.291(2)(a) through (j) or (3)(a) through (c-c) above and that are conducted on the same premises where the signs are located; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 11-04, 6.11.04; 5-04, 7.1.04; 7-12, 12.28.12)*

RURAL INDUSTRIAL ZONE (RI, RCP)
16.292 Rural Industrial Zone (RI, RCP).

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: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, “in proximity to the rural resource” shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by 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 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 shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14)*

RURAL INDUSTRIAL ZONE (RI, RCP)
16.292 Rural Industrial Zone (RI, RCP).

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: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, “in proximity to the rural resource” shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by 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 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 shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14)*

16.420 Recreational Marijuana Use Standards

RECREATIONAL MARIJUANA USE STANDARDS

16.420 Recreational Marijuana Use Standards

(1) Purpose. The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.

(2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.

(a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.

(b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.

(c) Prohibited farm uses. In accordance with Oregon law, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:

(i) A new dwelling used in conjunction with a marijuana crop;

(ii) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and

(iii) A commercial activity, as described in ORS 215.213(2)(c) or 2125.283(2)(a), carried on in conjunction with a marijuana crop.

(3) Process: Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in conformance with Lane Code 14.050(1) and include a scaled site plan depicting the subject and surrounding properties in sufficient detail to demonstrate compliance with the standards in LC 16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.

(4) Special Standard. Marijuana uses are subject to the following standards and criteria:

(a) Setbacks.

(i) Outdoor production. Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.

(ii) Indoor production. Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.

(b) Ventilation and air filtration. Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with an activated charcoal or carbon filtration or other ventilation system in conformance with the standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County Planning Director.

(i) The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.

(ii) The system must consist of one or more fans and filters.

(iii) At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.

(iv) Activated charcoal or carbon filter(s) must be used in the ventilation system and must filter all of the ventilated air. The filter(s) must be rated for the required CFM as calculated in ii above.

(v) The filters must be maintained and/or replaced in conformance with the manufactures specifications.

(vi) The filtration system, including the activated charcoal or carbon filters, must be maintained in working order and must be in use.

(vii) The opening for any exterior exhaust vent for the ventilation system must:

1. Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.

2. Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.

(viii) An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.

(c) Lighting. A lighting plan showing the location and design of any and all lighting fixtures associate with the use and how the light fixtures will be screened or shielded in conformance with the following standards must be submitted to the Lane County Land Management Division Planning Director.

(i) Light cast by light fixtures associated with a marijuana production and/or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.

(ii) Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.

(iii) Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must

not shine, or direct illumination or glare onto adjacent properties.

(d) Noise. Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.

(e) Marijuana processing. Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.

(f) Marijuana testing laboratory. A marijuana testing laboratory use must be conducted entirely indoors.

(g) Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

Table 1

			Forest zones (F-1 & F-2) *(LC 16.210 & 16.211)*	*Farm zone (EFU)* *(LC 16.212)*	*Commercial zones (RC)* *(LC 16.291)*	*Industrial zones (RI, GI, LI)* *(LC 16.280 & 16.292)*	*Residential and all other base zones not listed in this table*
	OLCC License / Certificate Type	**Use**					
1.	**Producer (grower) license** (Farm use)	**Marijuana Production**	Allowed outright as a farm use.	Allowed outright as a farm use.	Tier 1: Allowed/Discretionary – Special Use Permit Required.	Allowed/Discretionary - Special Use Permit Required	Prohibited
2.	**Processor license**	**Marijuana Processing**	Prohibited	Discretionary -Special Use Permit Required***	Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required	Prohibited
3.	**Wholesaler license**	**Marijuana Wholesale Distribution**	Allowed outright under the definition of farm use.	Allowed outright under the definition of farm use.	Prohibited	Allowed/Discretionary -Special Use Permit Required	Prohibited
4.	**Retail license**	**Marijuana Retail Sales**	Prohibited	Prohibited	Allowed/Discretionary – Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
5.	**Laboratory License**	**Marijuana Laboratory Operations**	Prohibited	Prohibited	Allowed/Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
6.	**Research Certificate**	**Marijuana Research**	Allowed in conjunction with a farm use	Allowed in conjunction with a farm use	Prohibited	Allowed/Discretionary -Special Use Permit Required**	Prohibited

** Size limitation of LC 16.292(3)(b) apply.
*** Subject to limits of LC 16.212(4)(h)

16.420 Recreational Marijuana Use Standards

RECREATIONAL MARIJUANA USE STANDARDS

16.420 Recreational Marijuana Use Standards

(1) **Purpose**. The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.

(2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.

(a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.

(b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.

(c) Prohibited farm uses. In accordance with Oregon law, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:

(i) A new dwelling used in conjunction with a marijuana crop;

(ii) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and

(iii) A commercial activity, as described in ORS 215.213(2)(c) or 2125.283(2)(a), carried on in conjunction with a marijuana crop.

(3) **Process**: Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in conformance with Lane Code 14.050(1) and include a scaled site plan depicting the subject and surrounding properties in sufficient detail to demonstrate compliance with the standards in LC 16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.

(4) **Special Standard.** Marijuana uses are subject to the following standards and criteria:

(a) **Setbacks**.

(i) **Outdoor production**. Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.

(ii) **Indoor production**. Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.

(b) **Ventilation and air filtration**. Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with an activated charcoal or carbon filtration or other ventilation system in conformance with the standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County Planning Director.

(i) The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.

(ii) The system must consist of one or more fans and filters.

(iii) At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.

(iv) Activated charcoal or carbon filter(s) must be used in the ventilation system and must filter all of the ventilated air. The filter(s) must be rated for the required CFM as calculated in ii above.

(v) The filters must be maintained and/or replaced in conformance with the manufactures specifications.

(vi) The filtration system, including the activated charcoal or carbon filters, must be maintained in working order and must be in use.

(vii) The opening for any exterior exhaust vent for the ventilation system must:

1. Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.

2. Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.

(viii) An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.

(c) **Lighting**. A lighting plan showing the location and design of any and all lighting fixtures associate with the use and how the light fixtures will be screened or shielded in conformance with the following standards must be submitted to the Lane County Land Management Division Planning Director.

(i) Light cast by light fixtures associated with a marijuana production and/or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.

(ii) Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.

(iii) Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must not shine, or direct illumination or glare onto adjacent properties.

(d) **Noise**. Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.

(e) **Marijuana processing**. Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.

(f) **Marijuana testing laboratory**. A marijuana testing laboratory use must be conducted entirely indoors.

(g) Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

Table 1

			Forest zones (F-1 & F-2) *(LC 16.210 & 16.211)*	*Farm zone (EFU)* *(LC 16.212)*	*Commercial zones (RC)* *(LC 16.291)*	*Industrial zones (RI, GI, LI)* *(LC 16.280 & 16.292)*	*Residential and all other base zones not listed in this table*
	OLCC License / Certificate Type	**Use**					
1.	**Producer (grower) license** (Farm use)	**Marijuana Production**	Allowed outright as a farm use.	Allowed outright as a farm use.	Tier 1: Allowed/Discretionary – Special Use Permit Required.	Allowed/Discretionary - Special Use Permit Required	Prohibited
2.	**Processor license**	**Marijuana Processing**	Prohibited	Discretionary -Special Use Permit Required***	Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required	Prohibited
3.	**Wholesaler license**	**Marijuana Wholesale Distribution**	Allowed outright under the definition of farm use.	Allowed outright under the definition of farm use.	Prohibited	Allowed/Discretionary -Special Use Permit Required	Prohibited
4.	**Retail license**	**Marijuana Retail Sales**	Prohibited	Prohibited	Allowed/Discretionary – Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
5.	**Laboratory License**	**Marijuana Laboratory Operations**	Prohibited	Prohibited	Allowed/Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
6.	**Research Certificate**	**Marijuana Research**	Allowed in conjunction with a farm use	Allowed in conjunction with a farm use	Prohibited	Allowed/Discretionary -Special Use Permit Required**	Prohibited

** Size limitation of LC 16.292(3)(b) apply.
*** Subject to limits of LC 16.212(4)(h)