

Lane County Planning Commission Briefing Memo



June 12, 2017 (Date of Memo)

June 20, 2017 (Date of Public Hearing)

TO: Lane County Planning Commission

DEPARTMENT: Public Works/Land Management Division

PRESENTED BY: Mark Rust, AICP, Associate Planner; and
Amber Bell, Associate Planner

AGENDA ITEM TITLE: Amendments to Lane Code Chapter 14, Application Review and Appeal Procedures, to add, revise, and delete definitions and provisions to modernize and update the entire chapter. Additionally, amendments to Lane Code Section 10.025, General Provisions, for consistency with Lane Code Chapter 14 proposed amendments, and amendments to Chapters 10 and 16 of Lane Code to update references to Lane Code Chapter 14. (File number 509-PA16-05492)

I. PROPOSED MOTIONS:

- 1) Move to forward a recommendation to the Board of Commissioners to adopt the proposed amendments to the Lane Code as presented; or
- 2) Move to forward a recommendation that the Board of Commissioners adopt the proposed amendments to Lane Code with specific revisions (state revisions); or
- 3) Move to direct staff to revise the proposed amendments and to return to the Planning Commission for recommendation to the Board of Commissioners.

II. AGENDA ITEM SUMMARY:

The purpose of this public hearing is to present the Planning Commission with revisions to the public hearing draft of the Chapter 14 changes as well as reference changes in Chapters 10 and 16 of Lane Code necessary for consistency with Chapter 14. This public hearing is a continuation from the initial April 4, 2017 public hearing and will provide an opportunity for the public and the Planning Commission to provide additional input to staff on issues related to the changes.

III. DISCUSSION:

A. Background

The Planning Commission was presented an early draft of Chapter 14 at a work session on May 17, 2016. A second work session was held on November 15, 2016. Staff collected comments and recommendations from Planning Commission members through mid-December 2016.

A new revised working draft of Chapter 14 was presented to the Planning Commission at a work session on March 21, 2017. A work session and public hearing was held on April 4, 2017, and at this public hearing the Planning Commission continued the public hearing until June 20, 2017.

B. Overview of Proposed Code Revisions

Lane Code Chapter 14 includes procedures for the submittal, acceptance, review, and processing of land use applications and appeals. This critical chapter of Lane Code provides the necessary procedural framework, which describes how land use applications must be submitted, reviewed, and processed by staff. In addition, key information such as timelines, notice, and hearing procedures are specified.

The proposed amendments to Chapter 14 will significantly modernize Lane County's review procedures and provide more clarity to staff and the general public. The following changes are being proposed:

- Reorganize the chapter to provide a more logical structure
- Include missing/incomplete procedures for administrative and legislative matters
- Clarify timeline procedures
- Remove outdated and obsolete references to State statutes
- Revise nomenclature for procedure types to more modern terminology
- Reformat the chapter to enhance its readability and usability

C. Policy Issues

The proposed updates to Lane Code are being presented primarily to modernize the code by enhancing readability and providing more clarity and certainty. However, the updates are not strictly limited to housekeeping and formatting changes. The update will present a number of policy considerations for the Planning Commission and Board of County Commissioners. The PC's role is to evaluate these various policy options, taking into account input from the public, and provide recommendations to the Board of County Commissioners. Some of the major policy choices are highlighted below.

The following policy topics have been discussed with you previously at your work sessions:

1. New requirements/language for submission of documents. See LC 14.020(3) and LC 14.040(1).
2. New application procedural types; addition of Type I through IV procedures. See LC 14.030(1).
3. Addition of limitation on when Type IV legislative applications can be submitted. See LC 14.030(1)(d)(iv).
4. Addition of requirements/limitations on supplementation of application within the first 30 days of submittal. See LC 14.050(1)(c).
5. Revision to procedures to posting notice. Sign to be posted by applicant. Addition of requirements for sign removal. See LC 14.060(2)(c).
6. Addition of process for a Modification of Application. See LC 14.040(4).
7. Revised procedures for Type II reviews. Notice of application optional, except for certain applications. Notice of decision still required. See LC 14.060(1) Notice of Application.

Staff has made the revisions listed below since the April 4, 2017 public hearing. These changes are based on discussions at the initial public hearing.

- Changed the term “unique environmental resource” to “inventoried Goal 5 resource” in the two places that it appears, LC 14.030(1)(b)(ii)(bb)(C) and LC 14.080(4)(c)(v)(cc).
- Moved the quasi-judicial plan amendment and zone change language inadvertently placed under the Type II review procedure at LC 14.030(1)(c)(i) to appropriately place it under a Type IV review procedure at LC 14.030(1)(d)(i).
- Added option for a Type I application to be processed as a Type II application.
- Changed the language of LC 14.090(5), Expiration of Approvals, to be more clear and consistent with State law.
- Modified the language in LC 14.090(7), Revocation or Suspension of a Decision, to place limits on when a decision can be suspended or revoked if it is found that there was an error in interpreting or applying the applicable approval criteria.
- Added a definition for “Conditional Use” to define how the terminology is consistent with other chapters of Lane Code.

Additionally, a number of miscellaneous typos, incorrect references, and language related to state law were corrected.

IV. ACTION:

A. Alternatives

Option 1: Move to recommend approval of the proposed revisions to Lane Code Ch. 14, including associated amendment to Ch. 10 & 16 as presented.

Option 2: Move to recommend approval of the proposed revisions to Lane Code Ch. 14, including associated amendment to Ch. 10 & 16 with changes as directed.

Options 3: Direct staff to make changes to the proposed language and bring back the changes for further consideration.

B. Recommendation

Staff recommends that the Planning Commission consider Option 1. Staff is asking the Planning Commission to receive public testimony and close the public hearing. The Planning Commission can the deliberate on the matter. Staff is requesting that the Planning Commission make a recommendation to approve to the proposal to the Board of County Commissioners.

C. Next Steps

After the Planning Commission completes their review of the proposed Chapter 14 revisions, Staff request that a recommendation for approval is made to the Board of County Commissioners. Once this recommendation is made staff will proceed to schedule a public hearing before the Board for their final adoption.

V. ATTACHMENTS

1. Draft of Chapter 14, Application Review Procedures (clean version), dated June 12, 2017
2. Draft of Chapter 14, Application Review Procedures (track changes version), dated June 12, 2017
3. Draft of Chapter 10.025 changes
4. Table of Chapter 10 reference changes
5. Table of Chapter 16 reference changes

Chapter 14 – Application Review and Appeal Procedures

Sections:

- 14.010 Purpose
- 14.015 Definitions
- 14.020 General Provisions
- 14.030 Procedural Types and Application Processing
- 14.040 Application Requirements
- 14.050 Completeness Review and Statutory Timelines
- 14.060 Notice Requirements
- 14.070 Public Hearings Process
- 14.080 Appeals
- 14.090 Limitations on Approved and Denied Applications

14.010 Purpose

- (1) The purpose of this chapter is to establish standard procedures for submittal, acceptance, investigation, and review of applications and appeals, and to establish limitations upon approved or denied applications.
- (2) This chapter applies to Lane Code Chapters 3, 5, 9, 10, 11, 12, 13, 15, and 16, or portions thereof, as specified in those chapters.

14.015 Definitions

The definitions in LC 14.015 apply to all actions and interpretations under this chapter. The meanings of some terms in this chapter may, in certain contexts, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent will control. Where a term defined in LC 14.015 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.

Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.

- (1) **Acceptance.** Received and considered by the Director to contain sufficient information and materials to begin processing pursuant to the procedures of this chapter.
- (2) **Appearance.** Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name, address, or both on a petition.
- (3) **Appellant.** A person who submits to the department a timely appeal of a decision issued by the County.
- (4) **Applicant.** A person who applies to the department for a decision under this chapter. An

applicant must be an owner of the property or someone authorized in writing by the property owner to make application.

- (5) **Approval Authority.** A person or a group of persons, given authority by Lane Code to review and make decisions upon certain applications pursuant to the procedures of this chapter. The approval authority may either be the Director, Hearings Official, or the Board, as specified for specific application types by this chapter.
- (6) **Argument.** The assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by a party to a decision. Argument does not include facts.
- (7) **Board.** The Lane County Board of Commissioners.
- (8) **Conditional Use.** The terms conditional, conditional use, conditional use permit(s), conditionally permitted, or conditionally approved are used interchangeably and synonymous with the terms special use(s), special use permit, or similar term used in other chapters of Lane Code that are subject to this chapter.
- (9) **County.** Lane County, Oregon.
- (10) **De Novo.** Review of an application in which all issues of law and fact are heard anew, and no issue of law or fact decided by the lower level review authority is binding on the parties in the new hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony.
- (11) **Department.** The Lane County Department of Public Works.
- (12) **Director.** The Planning Director of Lane County or the Planning Director's designated representative.
- (13) **Evidence.** The facts, documents, data, or other information offered to demonstrate compliance or non-compliance with the standards believed by the proponent to be relevant to the decision.
- (14) **Hearings Official.** A person who has been appointed by the Board pursuant to Lane Manual 3.700 who makes land use decisions under this chapter.
- (15) **Hearing Authority.** The Hearings Official, Planning Commission, or Board who conduct hearings on applications as authorized by this chapter and Lane County land use regulations. The Hearing Official and Board are authorized to issues decisions on certain land use matters. The Planning Commission makes recommendations on certain land use matters.
- (16) **Land Use Decision.** A final decision or determination made by a Lane County approval authority that concerns the adoption, amendment, or application of the Statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use regulation where the decision requires the interpretation or exercise of policy or legal judgment.

A "Land Use Decision" does not include a decision made by a Lane County approval authority that:

- (a) Is an informal interpretation made under LC 14.020(1);
- (b) Is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
- (c) Approves or denies a building permit issued under clear and objective land use standards;
- (d) Is a limited land use decision;
- (e) Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
- (f) Is an expedited land division as described in ORS 197.360;
- (g) Approves, pursuant to ORS 480.450(7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;
- (h) Approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan;
- (i) Authorizes an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 people that is not anticipated to continue for more than 120 hours in any three-month period, except as provided in ORS 215.213(13)(c);
- (j) Authorizes an outdoor assembly license pursuant to Lane Code 3.995; or
- (k) Is a local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179.

(17) Land Use Regulation. Any Lane County zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046, or similar general ordinance establishing standards for implementing the Lane County Comprehensive Plan.

(18) Legislative. An action or decision involving the creation, adoption, or amendment of a law, rule, or a map when a large amount of properties are involved, as opposed to the application of an existing law or rule to a particular use or property.

(19) Limited Land Use Decision. Means a final decision or determination made by Lane County pertaining to a site within an urban growth boundary that concerns:

- (a) The approval or denial of a subdivision or partition plan, as described in ORS 92.040(1).
- (b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review.

Does not mean a final decision made by Lane County pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

- (20) **Ministerial.** An action or decision based on clear and objective standards and criteria where no discretion by the approval authority is required.
- (21) **Owner.** A person on the title to real property as shown on the latest assessment records in the office of the Lane County Tax Assessor. Owner also includes a person whose name does not appear in the latest tax assessment records, but who presents to the County a recorded copy of a deed or contract of sale signed by the owner of record as shown in the Lane County Tax Assessor's records.
- (22) **Party.** With respect to actions under this chapter, the following persons or entities are defined as parties:
 - (a) The applicant;
 - (b) Any owner of the subject property that is the subject of the decision under consideration pursuant to this chapter; and
 - (c) A person who makes an appearance before the approval authority or hearing authority.
- (23) **Permit.** A discretionary approval of a proposed development of land under ORS 215 or county legislation or regulation adopted pursuant thereto.

"Permit" does not include:

- (a) A building permit;
- (b) A limited land use decision as defined in ORS 197.015;
- (c) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;
- (d) A decision which determines final engineering, design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

(e) An expedited land division, as described in ORS 197.360.

(24) **Person.** Any individual, partnership, corporation, limited liability company, association, governmental subdivision or agency or public or private organization of any kind.

(25) **Planning Commission.** The Planning Commission of Lane County, Oregon.

(26) **Quasi-judicial.** A land use action or decision that is not ministerial or legislative that requires discretion or judgment in applying the standards or criteria of this Code to an application for approval of a development or land use proposal.

(27) **Received.** Acquired by or taken into possession by the Director.

14.020 General Provisions

(1) **Effect of Informal Interpretation.** Any statement, interpretation, or determination provided by the department that is not in writing, or that is made outside of a Type I, II, III, or IV procedure in accordance with this chapter, is considered to be only a statement of opinion and not a final action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, to any party.

(2) **Pre-Application.** A pre-application conference is not a requirement of any application, but may be requested by for a fee, where a project involves the need for multiple land use applications or for large scale or highly complex development projects. The purpose of the pre-application conference is to acquaint persons with the requirements of Lane Code, the applicable comprehensive plan, and other related documents prior to application. In no case will a pre-application conference or information provided therein be guaranteed to provide an exhaustive review of potential issues associated with any project nor will it preempt the enforcement of applicable regulations.

(3) Submission of Materials

(a) **General.** The submission of any materials by any party including application materials, supplemental information, written comments, testimony, evidence, exhibits, or other documents that are entered into the record of any land use application must be submitted either at the offices of the Director or at a public hearing, unless specified otherwise by the hearing notice or hearing authority prior to the close of the record. Materials are considered submitted when received, or in the case of materials submitted at a public hearing, placed before the hearing authority.

(b) **Electronic Materials.** When application materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. When electronic materials over five pages in length are submitted by the applicant or appellant for inclusion in an application record, an identical hard copy of the materials must also be submitted within one business day of the electronic submittal unless this requirement is waived by the Director.

Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received.

- (4) **Time Computation.** Except for timelines prescribed by LC 14.050(2) and (3), time periods prescribed or allowed by this chapter will be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or a legal holiday or any day on which the Director's office is not open for business. For the purpose of this chapter, the end of the business day is 4:00 PM Pacific Time.

14.030 Procedure Types and Application Processing

- (1) **Procedure Types.** Application review will follow either a Type I, II, III, or IV procedure, set forth in subsections (a) through (d) below:

(a) **Type I Procedure**

- (i) **Overview.** The Type I procedure involves the ministerial review of an application based on clear and objective standards and criteria. Uses or development evaluated through this process are those that are permitted outright in the applicable zone. Potential impacts of the proposed development have been already recognized through the adoption of County standards. The Type I procedure does not require interpretation or exercise of policy or legal judgement when evaluating development standards and criteria. A Type I determination is made by the Director without public notice or a hearing. A Type I determination may not be appealed at the County level except as otherwise provided in Lane Code.

The Type I procedure applies to a variety of applications including, but not limited to, a land use compatibility statement (LUCS), declaratory ruling, verification of conditions, final partition or subdivision plat, floodplain verification, or floodplain fill or floodplain development permit, and timeline extensions.

- (ii) **Elective Type II.** In instances when an applicant seeks notice of a Type I determination, the applicant may request to process the request by making application for a Type II procedure.
- (iii) **Review and Determination.** Upon accepting a Type I application, the Director will review the application for compliance with all applicable land use standards and regulations and adopted plans.
- (iv) **Effective Date of Determination.** A Type I determination is final on the date it is signed by the Director. Within five days of the determination date, the applicant and property owner will be mailed a copy of the determination.

(b) Type II Procedure

- (i) Overview.** The Type II procedure involves the Directors interpretation and exercise of discretion when evaluating approval standards and criteria. Uses or development evaluated through this process are typically conditionally permitted uses that may require the imposition of conditions of approval to ensure compliance with development standards and approval criteria. Type II decisions are made by the Director after public notice. Type II decisions may be appealed.

The Type II procedure applies to a variety of applications including, but not limited to review of applications for: permitted uses subject to standards, conditional use permits, partitions, and subdivisions.

- (ii) Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type II applications will be reviewed pursuant to the following:

- (aa)** Notice of application will be mailed if required or elected by the Director or applicant, as provided in LC 14.060(1).
- (bb)** At the conclusion of the comment period specified by the notice of application, or upon determination of application completeness if notice of application is not required or elected by the Director or applicant, the Director will review the application and written comments and prepare a written decision stating whether the application is approved, approved with conditions, or denied. The Director's decision will state the facts relied upon in rendering the decision. Approval or denial of an application must be based on applicable standards and criteria; or
- (cc)** The Director may elect to process a Type II application through a Type III procedure pursuant to the provisions at subsection (1)(c) below if the application raises one or more of the following issues :
- (A)** An application raises an issue which is of countywide significance.
- (B)** An application raises an issue which will reoccur with frequency on which policy guidance is needed.
- (C)** An application involves a significant impact to an inventoried Goal 5 resource based upon evidence provided by a state or federal agency, or by a private professional with expertise in the field of the resource of concern.
- (D)** An application involves an existing use for which a compliance action is pending or with which a significant level of opposition is anticipated.
- (E)** An application involves opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.

(F) An application involves a contemplated use which would be a different kind of use than the uses of nearby properties and the owners of three or more nearby properties object to the use or request a hearing.

(G) An application involves a contemplated use which would result in a significant level of new commercial or industrial traffic, or ongoing truck traffic, on local roads in a residentially zoned area; or the introduction of noise, odors or dust into a residentially zoned area.

(H) At the discretion of the Director if an applicant requests a Type III procedure and pays the additional required fee.

(dd) The Director will mail notice of a Type II decision in accordance with LC 14.060. Notice of decision should be mailed within two days.

(ee) Appeals of Type II decisions may be made pursuant to the procedures at LC 14.080.

(iii) **Effective Date of Decision.** A Type II decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed pursuant with LC 14.080. If the Director's decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

(c) Type III Procedure

(i) **Overview.** The Type III procedure involves interpretation and exercise of discretion when evaluating approval standards and criteria. Applications subject to a Type III procedure are more complex and development impacts may be significant, warranting review through a public hearing. The Type III procedure involves public notice, a quasi-judicial hearing, final decision by the Hearings Official, and an opportunity for appeal under LC 14.080.

(ii) **Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type III applications will be reviewed pursuant to the following procedures.

(aa) Notice of public hearing will be mailed, and as required, posted and published, as provided in LC 14.060.

(bb) The Hearings Official will conduct a public hearing, pursuant to the applicable hearing procedures found at LC 14.070.

(cc) A Board interpretation of County policy may be requested by the Hearings Official or applicant pursuant to the following procedures either prior to or in the course of the proceedings:

- (A) When, prior to or in the course of a hearing, the Hearings Official finds that the application raises a substantial question involving either the application or interpretation of a policy that has not been clarified in sufficient detail for the Hearings Official to make a decision on the application, the Hearings Official may submit that question of application or interpretation in written form to the Board for its determination.
- (B) In the event the application or interpretation of policy is requested by the applicant prior to or in the course of hearing proceedings, the applicant must first agree to a waiver or extension of applicable timelines at LC 14.050(2) until the time that the Hearing Official reconvenes the hearing. Such waiver must be in addition to any other waiver of the statutory application processing timelines requested by the applicant.
- (C) The Board may elect to accept or reject the Hearings Official's or applicant's request.
- (D) When such a question or interpretation request is accepted by the Board, those persons receiving notice of the Type III hearing, the applicant, and all parties must be notified that they may submit in writing their view as to what the policy application or interpretation should be. Such written views must be submitted to the Director at least five days in advance of the Board's review of the request. Such persons must restrict their statements to the issue of interpretation or application as stated in the request and must not present the Board with arguments or evidence immaterial to the determination sought.
- (E) The Board must render its written determination within 14 days after receipt of the question from the Hearings Official. The Board's determination must be transmitted to the Hearings Official, who will then apply the interpretation to the application.
- (dd) To the extent possible, the Hearings Official should issue to the Director a written decision and findings within 10 days of close of the hearing record and identify parties to the proceeding.
- (ee) The Director will mail notice of the decision in accordance with LC 14.060. Notice of decision should be mailed within two days of issuance of the Hearings Official decision.
- (ff) Appeals of Type III Hearings Official decisions may be made pursuant to the procedures at LC 14.080.
- (iii) **Effective Date of Decision.** A Type III decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed pursuant to LC 14.080. If the decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

(d) Type IV Procedure

- (i) Overview.** The Type IV procedure applies to the creation, revision, or broad-scale implementation of public policy, land use regulations, or the comprehensive plan. It also applies to changes to zoning maps. The Type IV procedure involves the evaluation of subjective review criteria and plan policies, public notice, a hearing before the Planning Commission and Board, final decision issued by the Board, and an opportunity to appeal. The Director may initiate legislative review without a citizen application.
- (ii) Review and Decision.** Upon determination of completeness, Type IV applications will be reviewed pursuant to the following procedures.

 - (aa)** Notice of public hearings will be mailed and published as provided in LC 14.060. Where a Type IV application concerns a specific property or properties, the applicant must post notice on the subject property(ies) per LC 14.060(2)(d).
 - (bb)** The Planning Commission will conduct a public hearing pursuant to LC 14.070 and make a recommendation to the Board.
 - (cc)** The Board will conduct a public hearing pursuant to LC 14.070 and issue a decision.
 - (dd)** The Director will mail notice of the Board's decision in accordance with LC 14.060. Notice of a legislative land use decision will be mailed to the applicant, all parties, and the Department of Land Conservation and Development within 20 days after the Board decision is filed with the Director. The Director will also provide notice to any person as required by other applicable laws.
 - (ee)** Appeals of final land use decisions issued by the Board may be appealed pursuant to the procedures in LC 14.080.
- (iii) Final Decision and Effective Date of Decision.** A Type IV application, if approved, will take effect as specified in the enacting ordinance or, if denied, upon mailing the notice of decision.
- (iv) Submittal of Type IV Requests.** A Type IV application may only be submitted to the Director between October 1 and December 31, unless otherwise authorized by the Director. The Board may initiate legislative proposals at any time.

- (2) Consolidated Review of Applications.** When an applicant files more than one application concurrently for the same property or tract of land, the applicant may elect to consolidate the review of the concurrent applications. When review of concurrent applications subject to different procedure types is consolidated, all of the applications will be reviewed under the highest procedure type. When proceedings are consolidated, required notices may be

consolidated, provided the notice identifies each application and cites their respective review criteria. When more than one application is reviewed, findings of fact must address each application and a decision must be made on each application.

(3) Limited Land Use Decision Procedure (only within UGBs). All applications for limited land use decisions must be reviewed and decided by the Director through a Type II procedure subject to the following requirements.

- (a)** Notice of application must be mailed pursuant to LC 14.060(1)(a).
- (b)** Approval or denial of an application for a limited land use decision must be based upon and accompanied by a brief statement that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the standards, criteria, and facts set forth.
- (c)** A limited land use decision by the Director may be appealed to the Hearings Official and decided through a Type III review procedure.

14.040 Application Requirements

(1) Minimum Submittal Requirements. Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:

- (a)** Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size and include an electronic copy if required by LC 14.020(4)(b).
- (b)** All applicable information requested on the application form;
- (c)** Required filing fee, except that the required filing fee may not be required when Lane County initiates an application;
- (d)** Signature of each applicant;
- (e)** Signature of a property owner or property owner's authorized representative;
- (f)** Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor's records;
- (g)** Assessor's map and tax lot number of the subject property;
- (h)** A site plan drawn to a standard engineer's scale, and conforming to the County's site plan submittal standards;
- (i)** Information demonstrating compliance with any applicable prior decisions and conditions

of approval for the subject property;

- (j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;
- (k) Supporting information required to evaluate the application and address the applicable standards and criteria;
- (l) If a railroad-highway crossing provides or will provide the only access to land that is the subject of an application for a land use decision, a limited land use decision or an expedited land division, indication and evidence of this;
- (m) Additional information needed to evaluate applicable standards and criteria.

- (2) **Determination of Application Requirements.** The Director may waive any of the above application requirements if deemed to be inapplicable to the application.
- (3) **Applicant's Burden.** It is the applicant's responsibility to provide persuasive evidence demonstrating that the application complies with the applicable standards and criteria.
- (4) **Modification of Application.** Once an application is deemed complete, an applicant may modify an application at any time up until the issuance of a Type II Director decision, or close of the record for an application reviewed under a Type III or IV hearing procedure, subject to the following provisions:
 - (a) A modification of application is when revisions to an application involve changes that would require the application of new standards and criteria or require new a notice of application or public hearing. A modification of application does not include an applicant's submission of new evidence that merely clarifies or supports the pending application.
 - (b) The Director or hearing authority will not consider information submitted by or on behalf of an applicant that would constitute a modification of application unless the applicant submits an application for a modification of application, pays the required fee, and agrees in writing to restart applicable timelines at LC 14.050(2) as of the date the modification of application is submitted.
 - (c) The applicable time limit for final review for an application may be restarted as many times as there are modification of applications submitted, subject to 14.050(2) below.
 - (d) Modification of application is subject to the completeness review procedures in this section.
 - (e) The Director or hearing authority may require additional notice and if applicable, public hearing.
 - (f) Up until the date and time a hearing is opened for receipt of oral testimony on an

application, the Director will have the sole authority to determine whether an applicant's submittal constitutes a modification of application. After such time, the hearing authority will make such determinations. The determination of whether a submittal constitutes a modification of application will be appealable only to the Land Use Board of Appeals and will be appealable only after a final decision is entered on the application.

14.050 Completeness Review and Time Limits

- (1) Type II or III Completeness Review.** Within 30 days of a Type II or Type III application being received, the Director will evaluate the application for completeness, pursuant to subsections (a) through (f) below.
 - (a)** An application submitted to the Director will not be considered accepted solely because of having been received. Upon receipt of an application the Director will date stamp the application and verify that the appropriate application fee and materials have been submitted before accepting the application. Acceptance of an application will not preclude a later determination that the application is incomplete.
 - (b)** Applications will be evaluated for completeness with the requirements of LC 14.040.
 - (c) Supplementation of Application within First 30 days of Submittal.** An applicant may not submit any supplemental information for an application within the first 30 days following acceptance of the application or until the application has been deemed complete, whichever is first, except when requested or otherwise authorized by the Director. Any supplemental information submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.
 - (d) Complete Application.** An application will be deemed complete if the application requirements have been fully satisfied upon initial filing or through the procedures set forth in subsection (1)(e)(i) - (iii) below. When the Director deems the application complete, the Director will notify the applicant in writing. If the Director has not issued in writing a completeness determination within 30 days from the date the application is received by the Director, the application is automatically deemed complete on the 31st day after it was received.
 - (e) Incomplete Application.** If an application is incomplete, the Director will notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information within the timeframe set forth in subsection (e) below. The application will be deemed complete upon receipt by the Director of:
 - (i)** All of the missing information;
 - (ii)** Some of the missing information and a written notice from the applicant that no other information will be provided; or

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

(f) **Void Applications.** On the 181st day after first being submitted, an incomplete application is void if the applicant has been notified of missing information and the application has not been deemed complete pursuant to subsection (1)(d) or (1)(e)(i) - (iii) above.

(g) **Applicable Standards and Criteria.** If an application was complete when first submitted or the applicant submits additional information pursuant to subsection (1)(e) above within 180 days of the date the application was first submitted, review of the application will be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) **Time Limit.** Subject to the limitations, exceptions and clarifications in ORS 215.427 and except as provide in subsection (1) above, the County must take final action, including all appeals under ORS 215.422, within the timelines set forth in subsections (a) to (c) below. Violation of these timelines does not constitute a procedural error by the County, but provides the applicant with the remedy set forth in ORS 215.429.

(a) For land within an urban growth boundary and applications for mineral aggregate extraction the County must take final action on an application for a permit, limited land use decision, or zone change, within 120 days after the application is deemed complete.

(b) For applications for new telecommunication towers or collocations, the County must take final action within any applicable time limit set forth by the Federal Communications Commission or within a timeframe mutually agreed upon by the County and the applicant in accordance with FCC ruling, as applicable.

(c) For all other applications, the County must take final action within 150 days after the application is deemed complete.

14.060 Notice Requirements

(1) Notice of Application

(a) **Limited Land Use Decision Notice of Application Required.** For a limited land use decision, written notice of the application must be mailed to owners of property within 100 feet of any part of the tract for which the application is made and to any neighborhood or community organization recognized by the Board and whose boundaries include the site, and to any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action. The notice must provide at least a 14 day period for submission of written comments prior to the decision. The notice must include the information required by subsection (4).

(b) **Discretionary Notice of Application.** At the discretion of the Director, notice of a Type

ll application may be mailed pursuant to subsections (4) and (5) below. The Director may choose to mail notice of the application only to affected governmental agencies. The notice will provide at least a 15 day period for submission of written comments prior to the decision.

(c) Special Notice and Review Requirements for a Dwelling in the EFU Zone. Upon acceptance of an application for a dwelling on EFU-zoned land pursuant to LC 16.212(7)(g), the Director must provide notice of application consistent with the following.

(i) The notice of application must be mailed pursuant to subsections (4) and (5) below to the following:

(aa) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be established; and

(bb) Any person who requested notice of such applications and who paid a reasonable fee imposed by the County to cover the cost of such notice.

(ii) The notice required under this section must specify that there are 15 days following the date of the postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use.

(iii) If no objection, based on the grounds identified in (ii) above, is received within 15-day notice period, the Director must approve, approve with conditions, or deny the application. If an objection is received based on the grounds identified in (ii) above, the Director must set the matter for a hearing and process the application through a Type III procedure.

(iv) The costs of the notice required by subsection (1)(c)(i) of this section may be charged to the applicant.

(d) Special Notice to Railroad Company upon Certain Applications for Land Use Decision, Limited Land Use Decision or Expedited Land Use Decision

(i) As used in this section, the term “railroad company” includes every corporation, company, association, joint stock association, partnership or person, and their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, controlling or managing any railroad.

(ii) The Director must provide notice of application, pursuant to the timelines established in this section pursuant to subsections (4) and (5) below to the Oregon Department of Transportation and the railroad company if the applicant indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application for a land use decision, limited land use

decision, or expedited land division.

- (e) **Timing of Notice of Application.** Where notice of application is sent pursuant to (a), (b), (c), or (d) above, such notice will be mailed after determination that the application is complete.

(2) Notice of Public Hearing

- (a) **Mailed Notice for a De Novo Hearing.** Mailed notice of a de novo public hearing containing the information required by subsection (5) below will be provided as follows:
 - (i) **Type III.** The Director must mail notice of hearing on a Type III application at least 20 days prior to the public hearing date. Notice of public hearing will be mailed to the persons listed in subsection (4) below.
 - (ii) **Type IV.** At least 20 days, but not more than 35 days, before the date of the first Type IV public hearing, notice of public hearing will be mailed to:
 - (aa) Each owner whose property would be directly affected by the proposal;
 - (bb) Any affected governmental agency;
 - (cc) To any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action; and
 - (dd) Any person who requests notice in writing of a specific application.
- (b) **Mailed Notice for an On the Record Hearing.** Mailed notice of an on the record hearing will be provided as follows:
 - (i) The Director must mail notice of an on the record hearing at least 10 days prior to the public hearing date. Notice of public hearing will be mailed to the following persons:
 - (aa) Applicant;
 - (bb) Property owner;
 - (cc) Appellant (if applicable);
 - (dd) Any party to the application.
 - (ii) The notice will include the information required by subsection (4) below as applicable, a statement regarding the purpose of the hearing and whether testimony under LC 14.070(14) will be allowed, and the names of parties who may participate in the Board hearing.

(c) Posted Notice

- (i)** For Type III and IV applications that involve a specific property or properties, at least 14 days before the first hearing, not including an appeal hearing, the applicant must post a notice of the hearing on the subject property in clear view from a public right-of-way where feasible. Posted notice must be on a sign provided by the Director. The design of the sign will be prescribed by the Director, but must be at least 22 inches by 28 inches in size and have a brightly colored background. The posted notice will contain the following information:
 - (aa)** Time, date, and place of the first hearing;
 - (bb)** Department file number;
 - (cc)** General nature of the proposal; and
 - (dd)** Where more information may be obtained.
- (ii)** Prior to the public hearing the applicant must submit to the Director an affidavit of posting indicating that the notice was posted in accordance with this subsection.
- (iii)** The applicant must remove and lawfully dispose of the sign within 14 days of the close of the public hearing.

(d) Published Notice of Hearing

- (i)** At least 21 days before the first hearing for zone change and/or plan amendment application, the Director must publish notice of the hearing in a newspaper of general circulation. The notice provisions of this section does not restrict the giving of notice by other means, including mail, radio, and television. The published notice will contain the same information required in subsection (c)(i)(aa)-(dd) above.
- (ii)** For an on the record hearing on a zone change, published notice must be provided in the same manner as described above, except that notice must be published at least 10 days before the first on the record hearing.

(3) Notice of Decision

A notice of a decision will be mailed to the persons identified in (4) below, as applicable, upon a written decision being signed by the approval authority. The notice of decision will contain the applicable information identified in (5) below.

(4) Mailing List

- (a)** For discretionary notice of an application pursuant to 14.060(1)(a) above, a Type II decision or Type III hearing, notice must be mailed to the following persons:

- (i)** Applicant;
 - (ii)** Property owner;
 - (iii)** Appellant (if applicable);
 - (iv)** Owners of record of properties on the most recent property tax assessment roll where such property is located:
 - (aa)** Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
 - (bb)** Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - (cc)** Within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
 - (v)** Any neighborhood group or community organization recognized by the governing body as specified in Lane Manual Chapter 3 and whose boundaries include the site;
 - (vi)** Any person who submits a written request to receive a notice of the specific application or specific type of application involved;
 - (vii)** Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the County and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate a permit or land use decision approval issued by the Director or Hearings Official; and
 - (viii)** For a notice of decision or appeal: any person who appeared either orally or in writing before the approval authority.
- (b)** A notice of a Type IV hearing or Type III or IV decision must be mailed to the following persons:
- (i)** Applicant;
 - (ii)** Property owner (if applicable);
 - (iii)** Appellant (if applicable);
 - (iv)** Any party to the application;

- (iii) Any person who submits a written request to receive a notice of the specific application or specific type of application involved;
- (iv) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the county and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate an action or permit approval made by the hearing authority under this Code;
- (v) For any notice of decision or appeal, any person who appeared either orally or in writing before the approval authority; and

(5) Mailed Notice Content. Any mailed notice of application, decision, or public hearing must contain information in subsection (a) below, and where applicable, the additional information specified in subsection (b) through (e).

(a) Minimum Content Required

- (i) Identification of the application by department file number;
- (ii) Identification of the property owner, and if different than the owner, the applicant and/or the applicants or owners authorized representative;
- (iii) Identification of appellant (if applicable);
- (iv) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property and any contiguous properties in the same ownership;
- (v) Explanation of the nature of the application and the proposed use or uses which could be authorized by the decision;
- (vi) List of the applicable standards and criteria, by commonly used citation, from the applicable comprehensive plan that apply to the application and decision;
- (vii) Name, phone number, and email of the department representative to contact to obtain additional information;
- (viii) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable standards and criteria, and a copy of any staff report are available for inspection at no cost and copies will be provided at reasonable cost; and
- (ix) Statement that "NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE FORWARDED TO THE PURCHASER."

- (b) Additional Content for Notice of Application.** In addition to all of the information required by subsection (a) above, a mailed notice of application for a Type II application must contain the following information:
- (i)** Place, date, and time that comments are due;
 - (ii)** State that issues which may provide the basis for an appeal must be raised in writing with sufficient specificity to enable the Director to respond to the issue prior to the expiration of the comment period; and
 - (iii)** Statement that after the close of the 15-day comment period, the Director will issue and provide notice of the decision to persons who provided written comments or are otherwise legally entitled to notice of decision.
- (c) Additional Content for Notice of Limited Land Use Application.** In addition to all of the information required by subsection (a) and (b)(i)-(ii) above, a mailed notice of application for a limited land use decision must contain the following information:
- (i)** Provide a brief summary of the local decision making process for the limited land use decision being made.
- (d) Additional Content for Notice of Public Hearing.** In addition to all of the information required by subsection (a)(i)-(ix) above, mailed notice of public hearing must contain the following information:
- (i)** The time, date, and place of the hearing;
 - (ii)** Identification of which hearing authority will conduct the public hearing;
 - (iii)** A statement that failure to raise an issue in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes the ability to appeal to the Land Use Board of Appeals;
 - (iv)** A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided upon request at a reasonable cost; and
 - (v)** A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (e) Additional Content for Notice of Decision.** In addition to all of the information required by subsection (a) above, a mailed notice of decision must contain the information listed below. The notice may be a summary, provided it references the specifics of the proposal and the conditions of approval in the record.
- (i)** Description of the nature of the decision;

- (ii) Statement of where a copy of the decision can be obtained;
- (iii) Statement of how to appeal the decision;
- (iv) Deadline for an appeal;
- (v) Date the decision will become final, unless appealed; and
- (vi) For a Type II decision:
 - (aa) Statement that the decision will not become final until the period for filing a local appeal has expired;
 - (bb) Statement that any person who is adversely affected or aggrieved or who is entitled to notice of decision may appeal the decision by filing a written appeal; and
 - (cc) Statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals.

(6) Additional Notice

- (a) Mailed, posted, or published notice may be provided that exceeds the requirements of this chapter. The requirements for notice must not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Director for any reason.

14.070 Public Hearings Process

- (1) **Staff Report.** At least seven days prior to a public hearing, the Director will provide a staff report to the hearing authority and parties to the application, and make it available to the public upon request. If the report is not provided by such time, the hearing will be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date certain that is at least seven days after the date the staff report is provided. The granting of a continuance under these circumstances will be at the discretion of the hearing authority.

(2) Personal Conduct

- (a) No person may be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- (b) No person may testify without first receiving recognition from the hearing authority and stating their full name and address.
- (c) No person may present irrelevant, immaterial, or unduly repetitious testimony or evidence.

- (d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing are not permitted. Any such conduct may be cause for immediate suspension of the hearing or removal of the offender from the hearing.
- (3) **Limitations on Oral Presentations.** The hearing authority may set reasonable time limits on oral testimony.
- (4) **Appearing.** Any interested person may appear either orally before the close of a public hearing or in writing before the close of the written record, except that for an on the record hearing, persons who may appear are limited to those described at LC 14.070(15)(f). Any person who has appeared in the manner prescribed in 14.070(15)(f) will be considered a party to the proceeding.
- (5) **Disclosure of Ex Parte Contacts**
- (a) Any member of a hearing authority for a Type III procedure must reasonably attempt to avoid ex parte contact. As used in this section, ex parte contact is communication directly or indirectly with any party or their representative outside of the hearing in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should a hearing authority member engage in ex parte contact, that member must:
 - (i) Publically announce for the record at the hearing the substance, circumstances, and parties to such communication;
 - (ii) Announce that other parties are entitled to rebut the substance of the ex parte communication during the hearing; and
 - (iii) State whether they are capable of rendering a fair and impartial decision.
 - (b) If the hearing authority or member thereof is unable to render a fair and impartial decision, or recommendation in the case of the Planning Commission, they must recuse themselves from the proceedings.
 - (c) Communication between the Director and the hearing authority or a member thereof is not considered an ex parte contact.
- (6) **Disclosure of Personal Knowledge.** If any member of a hearing authority uses personal knowledge acquired outside of the hearing process in rendering a decision, they must state the substance of the knowledge on the record.
- (7) **Site Visit.** For the purposes of this section, a site visit by any member of a hearing authority will be deemed to be personal knowledge. If a site visit has been conducted, the hearing authority member must disclose their observations and conclusions gained from the site visit.
- (8) **Challenge for Bias, Prejudgment, or Personal Interest.** Prior to or at the commencement of a hearing, any party may challenge the qualification of any member of the hearing authority

for bias, prejudice, or personal interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, that hearing authority member must either recuse themselves from the proceedings, or make a statement on the record that they can make a fair and impartial decision and will hear and rule on the matter.

- (9) Potential Conflicts of Interest.** No member of the hearing authority may participate in a hearing or a decision upon an application when the effect of the decision would be to the private pecuniary benefit or detriment of the member or the member's relative or any business in which the member or a relative of the member is associated unless the pecuniary benefit arises out of:
- (a)** An interest or membership in a particular business, industry occupation or other class required by law as a prerequisite to the holding by the member of the office or position;
 - (b)** The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged; or
 - (c)** The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged.
- (10) Qualification of a Member of the Hearing Authority Absent at a Prior Hearing.** If a member of the hearing authority was absent from a prior public hearing on the same matter which is under consideration, that member will be qualified to vote on the matter if the member has reviewed the record of the matter in its entirety and announces, prior to participation that this has been done. If the member does not review the record in its entirety, that member must not vote and must abstain from the proceedings.
- (11) Hearing Authority's Jurisdiction.** In the conduct of a public hearing, the hearing authority will have the jurisdiction to:
- (a)** Regulate the course, sequence and decorum of the hearing.
 - (b)** Decide procedural requirements or similar matters consistent with this chapter.
 - (c)** Rule on offers of proof and relevancy of evidence and testimony and exclude repetitious, immaterial, or cumulative evidence.
 - (d)** Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony.
 - (e)** Take such other action appropriate for conduct of the hearing.

- (f) Grant, deny, or in appropriate cases, attach such conditions to the matter being heard to the extent allowed by applicable law and that may be necessary to comply with the applicable approval criteria or in appropriate cases, formulate a recommendation for the Board.
 - (g) Continue the hearing to a date certain as provided at LC 14.070(18).
 - (h) Allow the applicant to withdraw the application. Subsequent to the application withdrawal, any new application for the same property must be submitted and reprocessed in compliance with the provisions of this chapter.
- (12) Hearing Procedures.** At the commencement of a hearing, the hearing authority must state to those in attendance all of the following information and instructions:
- (a) Date of the hearing;
 - (b) Department file number;
 - (c) Nature and purpose of the hearing, and whether the hearing is a de novo hearing or an on the record hearing. If the hearing is an on the record hearing, provide a statement that only persons identified in LC 14.070(15)(f) are allowed to participate and that issues will be limited those raised in the notice of appeal;
 - (d) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property, if applicable;
 - (e) Order of the proceedings, including reasonable time limits on oral presentations by parties;
 - (f) For a Type III procedure a statement disclosing any pre-hearing ex parte contacts;
 - (g) For a Type III or IV procedure a statement disclosing any personal knowledge, bias, , prejudice, or personal interest on the part of the hearing authority;
 - (h) Call for any challenges to the hearing authority's qualifications to hear the matter. Any such challenges must be stated at the commencement of the hearing, and the hearing authority must decide whether they can proceed with the hearing as provided in subsection (9) above;
 - (i) List of the applicable approval standards and criteria for the application;
 - (j) Statement that testimony, arguments, and evidence must be directed toward applicable approval standards and criteria, or other standards and criteria in the Lane County land use regulations or comprehensive plan that the person testifying believes to apply to the decision;
 - (k) Statement that failure to raise an issue accompanied by statements or evidence with

sufficient detail to give the hearing authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;

- (l) Statement that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the hearing authority to respond to the issue precludes an action for damages in circuit court;
 - (m) Statement that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing authority must grant the request by either continuing the public hearing pursuant to subsection (18) below, or leaving the record open for additional written evidence, arguments, or testimony pursuant to subsection (19) below; and
 - (n) Statement that the decision of the approval authority may be appealed pursuant to LC 1.4080.
- (13) **Order of Proceeding.** In the conduct of a public hearing other than an on the record hearing, the following order of procedure will generally be followed. However the hearing authority may modify the order of proceeding.
- (a) The Director will present the staff report;
 - (b) The applicant will be heard first. For an appeal, the appellant, if different from the applicant will be heard first then the applicant;
 - (c) Allow persons in favor of the proposal to be heard;
 - (d) Allow persons neither in favor or opposed of the proposal to be heard;
 - (e) Allow persons opposed to the proposal to be heard;
 - (f) Allow the Director to present any further comments or information in response to the testimony and evidence;
 - (g) Allow the applicant final rebuttal;
 - (h) Conclude the hearing.
- (14) **Hearing Procedures for On the Record Hearings.** The following procedures are for on the record hearings in accordance with LC 14.080(4)(c)(ii). These procedures are in addition to or apply in place of other hearing procedures in this section where these procedures are duplicative of or conflict with those procedures.
- (a) **Review on the Record.** Evidence considered by the Board must be confined to the record of the proceeding before the previous approval authority except as provided in subsection (b) and (c) below.

- (b) Limited Additional Testimony.** The approval authority may admit additional testimony and other evidence without holding a de novo hearing, if the approval authority is satisfied that the testimony or other evidence could not have been presented before close of the record on prior hearing proceedings. In deciding whether to admit additional testimony or evidence, the approval authority will consider:
- (i)** Prejudice to parties;
 - (ii)** Convenience or availability of evidence at the time of the prior hearing proceedings;
 - (iii)** Impact to opposing parties;
 - (iv)** When notice was given to other parties of the intended attempt to admit the new evidence;
 - (v)** The competency, relevancy, and materiality of the proposed testimony or other evidence; and
 - (vi)** Whether the matter should be remanded to the approval authority for a de novo hearing under (c) below.
- (c) De Novo Hearing/Remand**
- (i)** The approval authority may elect to hold a de novo hearing or remand the appeal for a supplemental de novo hearing before the approval authority that held the previous hearing if it decides that the volume of new information offered by a party proceeding under LC 14.070(15)(b) above would:
 - (aa)** Interfere with the approval authority's agenda; or
 - (bb)** Prejudice parties; or
 - (cc)** If the approval authority determines that the wrong legal criteria were applied by the previous approval authority.
 - (ii)** On remand, the previous approval authority must apply the hearing conduct procedures of LC 14.070. If an appeal is desired from the previous approval authority's decision on remand, the procedures of LC 14.080 apply.
 - (iii)** In the event that a de novo hearing or remand is requested by the applicant, the applicant must first agree to a waiver of any statutory timelines in which Lane County must process the application, and such waiver must be in addition to any other waivers of the statutory application processing timelines requested by the applicant.
- (d) Notice of an On the Record Hearing.** Notice of an on the record hearing will be mailed, and as required, posted and published, in accordance with LC 14.060.

(e) **Written Material.** Unless otherwise specified by the approval authority, all written materials exceeding two pages in length to be submitted for consideration at an on the record hearing permitted under (b) above must be submitted to and received by the Director at least five days in advance of the hearing. Upon request, the application file containing these materials must be made available to the public by the Director. The approval authority may allow written materials to be submitted and received after this five-day deadline if:

(i) The written materials are limited to those solely responsive to the written materials submitted at least five days in advance of the on the record hearing;

(ii) The responsive, written materials could not have been reasonably prepared and submitted at least five days in advance of the on the record review hearing; and

(iii) Copies of the written materials have been provided to all parties to the on the record hearing.

(f) **On the Record Hearing Participation.** The only people who may participate in a Board on the record hearing are:

(i) The Director;

(ii) The applicant and the applicant's representative;

(iii) The appellant and the appellant's representative; and

(iv) Another party of record may provide limited additional testimony, but only in accordance with subsection (b) above.

(g) **Order of Proceeding.** In the conduct of an on the record hearing the following order of proceeding will be followed:

(i) The Director will present the staff report;

(ii) The appellant will be heard first;

(iii) The applicant, if different from the appellant will be heard next;

(iv) The appellant will be allowed to rebut;

(v) Conclude the hearing.

(15) **Questions.** The hearing authority at any point during the hearing may ask questions of the Director or parties. Questions by parties, interested persons, or the Director may be allowed by the hearing authority at their discretion. Questions must be directed to the hearing authority. Questions posed directly to the Director or any party are not allowed. The hearing

authority may allow questions to be answered by the Director or a party if a question pertains to them. They will be given a reasonable amount of time to respond solely to the question.

- (16) Presenting and Receiving Evidence.** No oral testimony will be accepted after the close of the hearing. Written testimony may be received after the close of the hearing only in accordance with subsections (19) through (21) below.
- (17) Continuances and Leaving the Record Open (Extension).** If the hearing is an initial evidentiary hearing, prior to the conclusion of the hearing any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing authority must grant such request by continuing the public hearing pursuant to (a) below or leaving the record open for additional written evidence, arguments, or testimony pursuant to (b) below.
- (a)** If the hearing authority grants a continuance, the hearing must be continued to a date, time, and place certain that is at least seven days after the date of the initial evidentiary hearing. An opportunity must be provided at the continued hearing for persons to present and respond to new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.
 - (b)** If the hearing authority leaves the record open for additional written evidence, arguments, or testimony, the record must be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such request is filed, the hearing authority must reopen the record pursuant to subsection (20) below.
 - (c)** A continuance or leaving the record open (extension) granted under this section is subject to the applicable time limit for processing the application, unless the continuance or extension is requested or agreed to by the applicant, in which case the continuance or extension will result in a corresponding extension of the applicable time limit. A continuance or extension to the applicable timeline is subject to the total time limit set in LC 14.050(2).
 - (d)** Unless waived by the applicant, the hearing authority must grant the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application, excluding new evidence. The applicant's final rebuttal will be considered part of the record, but must not include any new evidence. This seven-day period will not be counted toward the applicable time limit for processing the application.
 - (e)** At the discretion of the Director, if prior to the initial public hearing, or at the discretion of the hearing authority if at the hearing, an applicant may receive a continuance upon any request for a continuance if accompanied by a corresponding extension of the applicable

time limit subject to the total time limit set forth in LC 14.050(2), and the applicable fee.

(18) Rescheduling. In the event that a noticed public hearing must be rescheduled due to an emergency situation, the rescheduling of the meeting will 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 or that new notice will be sent indicating that new date, time, and place.
- (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.

(19) Re-opening the Record. When the hearing authority re-opens the record to admit new evidence, arguments, or testimony, the hearing authority must allow people who previously participated in the hearing to request the hearing record be re-opened, as necessary, to present evidence concerning the newly presented facts. Upon announcement by the hearing authority of their intention to take notice of such facts in its deliberations, any person may raise new issues which relate to the new evidence, arguments, testimony, or standards and criteria which apply to the matter at issue.

(20) Record of the Hearing. The hearing authority will consider only facts and arguments in the hearing record; except that it may consider laws and legal rulings not in the hearing record (e.g., local, state, or federal regulations; previous department decisions; or case law).

- (a)** The hearing record will include all of the following information:
 - (i)** All oral and written evidence submitted to the hearing authority;
 - (ii)** All materials submitted by the Director to the hearing authority regarding the application;
 - (iii)** A recording of the hearing;
 - (iv)** The final written decision; and
 - (v)** Copies of all notices given as required by this chapter and correspondence regarding the application that the Director mailed or received.
- (b)** All exhibits presented will be kept as part of the record and marked to show the identity of the person offering the exhibit. Exhibits will be numbered in the order presented and will be dated.

(21) Conclusion of Hearing

- (a)** After the close of the hearing record, the hearing authority may either make a decision

and state findings which may incorporate findings proposed by any party or the Director, or take the matter under advisement for a decision to be made at a later date. If the Planning Commission is the hearing authority, it will make a recommendation with findings to the Board in lieu of issuing a decision.

- (b) The hearing authority may request proposed findings and conclusions from any party at the hearing. The hearing authority, before adopting findings and conclusions, may circulate them in draft form to parties for written comment.
- (c) The decision and findings must be completed in writing and signed by the hearing authority within ten days of the closing of the record for the last hearing. A longer period of time may be taken to complete the findings and decision if the applicant provides written consent to an extension or waiver to the timelines on the application for an amount of time that is equal to the amount of additional time it takes to prepare the findings.

(22) **Decision and Findings Mailing.** Upon a written decision adopting findings being signed by the approval authority, the Director will mail to the applicant, and all parties a copy of the decision and findings, or if the decision and findings exceed five pages, the Director will mail notice of the decision.

14.080 Appeals

(1) **Appeal Filing Procedures.** Appeals are processed pursuant to the following:

- (a) **Who May Appeal.** Any party to the decision may appeal the decision.
- (b) **Time for Filing.** A notice of appeal in accordance with subsection (c) below must be filed with the Director prior to the close of business on the 12th day of the date the notice of decision is mailed.
- (c) **Content of Notice of Appeal.** Except as provided in subsection (d) below, a notice of appeal must:
 - (i) Be submitted in writing to and received by the Director within the appeal period;
 - (ii) Be accompanied by the required filing fee in all circumstances except as provided in subsection (3)(a)(iii) or (4)(b)(iv) below;
 - (iii) Identify the decision being appealed, including the date of the decision and the department file number for the decision;
 - (iv) Include a statement demonstrating the person filing the notice of appeal is a party, pursuant to (a) above;
 - (v) Include a statement explaining the specific issues being raised on appeal;

- (vi) Provide an explanation with detailed support specifying one or more of the following as assignments of error or reasons for reconsideration;
 - (aa) The Director or Hearings Official exceeded their jurisdiction;
 - (bb) The Director or Hearings Official failed to follow the procedure applicable to the matter;
 - (cc) The Director or Hearings Official rendered a decision that is unconstitutional;
 - (dd) The Director or Hearings Official misinterpreted the Lane Code or Lane Manual, state law or federal law, or other applicable standards and criteria; and/or
 - (ee) Reconsideration of the decision is requested in order to submit additional evidence not available in the record at the hearing and addressing compliance with relevant standards and criteria.

(vii) A notice of appeal of a Type III decision must also include the following:

- (aa) Statement indicating whether the issue raised in the appeal to the Board was raised before the close of the record and whether the appellant wishes the application to be approved, denied, or conditionally approved; and
- (bb) Include a request that the appeal be processed through Hearings Official Reconsideration per LC 14.080(4)(b), Board elect not to hear procedure per LC 14.080(4)(c), or on-the-record hearing before the Board per LC 14.080(4)(c).

(d) The failure of an appeal to state the manner in which the applicable criteria were erroneously applied must not deprive the Hearings Official or Board of jurisdiction over the appeal and the Hearings Official or Board may proceed to hear the matter. The Planning Director or 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.

(2) **Director Review of Appeal.** Within two days of receiving any appeal, the Director must review the appeal to determine if it was received within the 12 day appeal period and if it satisfies all of the requirements of LC 14.080(1) above. The Director will either accept or reject the appeal as follows.

(a) **Appeal Acceptance.** If an appeal is timely and satisfies all the requirements of LC 14.080(1), the Director must accept and process the appeal.

(b) **Appeal Rejection**

(i) If the appeal was not received by the appeal deadline, the Director must reject the

appeal and mail notice to the appellant that it was rejected because it was filed after the appeal period.

- (ii) If the appeal is made within the appeal period, but does not satisfy the requirements of LC 14.080(1), the Director must reject the appeal and mail to the appellant a written statement identifying the deficiencies of the appeal. The appellant may correct the deficiencies and re-submit the appeal if the resubmission is received by the Director within the 12-day appeal period. Failure to correct the deficiencies within the original appeal period will waive the right to appeal.
- (iii) Appeals not rejected by the Director within two days of receipt will be deemed accepted.
- (c) The Director must mail notice of acceptance of an appeal of a Type II or III decision within two days of appeal acceptance to the applicant, applicant's representative, and if different than the applicant, the appellant. The notice must state the tentative hearing date for the appeal and the requirements of this chapter for submission of written materials prior to the hearing.
- (d) Within two days of accepting an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official for reconsideration.

(3) Appeal Process for a Type II Decision

- (a) **Reconsideration.** Within two days of acceptance of an appeal of a Type II decision, the Director may affirm, modify, or reverse the decision in compliance with the following:
 - (i) **Affirmation.** To affirm the decision, no action by the Director is necessary.
 - (ii) **Modification or Reversal.** To modify or reverse the decision, the Director must conclude that the final County decision on the application can be made within the 120-day or 150-day time limit in LC 14.050(2) and, if applicable, FCC timelines at LC 14.050(3), prepare a written modification or reversal of the decision, together with supporting findings, and mail notice of decision pursuant to LC 14.060 above. Notice of a modification or reversal of the decision must be mailed within two days of the Director's decision and provide for a new 12-day appeal period.
 - (iii) If the Director elects to reconsider the decision without request by the appellant, the appellant will not be required to pay a fee for a subsequent appeal of the Director's reconsidered decision.
- (b) **De Novo Hearing.** Appeal of a Type II decision made by the Director will result in a de novo hearing before the Hearings Official. A hearing on an appeal of Type II decision will follow the same procedure used for a hearing on a Type III review pursuant to the applicable procedures at LC 14.070 with notice pursuant to the Type III hearing notice requirements of LC 14.060. The Hearings Official's review will not be limited to the application materials, evidence and other documentation, and specific issues raised in

the review leading up to the Type II Decision, and may include additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

(c) Appeal of Hearings Official Decision. Appeals of decisions made by the Hearings Official on appeal of a Type II decision will be processed pursuant to the Type III appeal procedures in subsection (4) below.

(4) Appeal Process for a Type III Decision. Within two days of acceptance of an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official. The Hearings Official will have full discretion to affirm, modify, or reverse the initial decision and to supplement findings as the Hearings Official deems necessary. When affirming, modifying, or reversing the initial decision, the Hearings Official must comply with one of the following provisions.

(a) Affirmation. Within seven days of acceptance of the appeal by the Director, if the Hearings Official wishes to affirm the decision without further consideration, the Hearings Official must provide a written decision to this effect to the Director. The Director must mail written notice of the Hearings Official's decision to affirm the original decision to the appellant and other parties of record.

(b) Reconsideration. If the Hearings Official wishes to reconsider the decision, the Hearings Official must conclude that a final decision can be made by the County within the applicable time limit in LC 14.050(2). If the reconsideration will cause the final decision to not be made within the applicable time limit in LC 14.050(2) the Hearing Official cannot reconsider the decision. Reconsideration must comply with one of the following provisions.

(i) On the Record. If the reconsideration is limited to the existing record, then within seven days of the Director's acceptance of the appeal, the Hearings Official must prepare a reconsideration decision and supplemental findings and provide the reconsidered decision to the Director. Within two days of the decision, the Director must mail the reconsidered decision in conformance with the notice of decision requirements at LC 14.060.

(ii) Brief of Additional Issues. If the reconsideration is not limited to the existing record, and if the Hearings Official wishes to allow written materials to be submitted briefing limited issues, then the Hearings Official must:

(aa) Within seven days of acceptance of the appeal by the Director, request that the Director mail notice to any person who qualifies as a party to the decision under reconsideration in conformance with LC 14.060(3)(c) above. The notice must disclose the limited issues to be addressed for the reconsideration and timelines for submittal of new materials and rebuttal by the applicant; and

(bb) Within 14 days of the close of the hearing record, issue a decision and supplemental findings. The decision and findings must be mailed by the

Director within two days of issuance to any person listed in LC 14.060(3)(c) above in conformance with the notice of decision procedures at LC 14.060.

- (iii) Limited Hearing.** If the reconsideration is not limited to the existing record and if the Hearings Official wishes to reopen the record and to conduct a hearing to address limited issues then the Hearings Official must:

 - (aa)** Within seven days of acceptance of the appeal by the Director, request that the Director mail notice to any person who qualifies as a party to the decision that is being reconsidered. The notice must be in conformance with LC 14.060 above. The conduct of the hearing will be in accordance with the applicable provisions of LC 14.070; and
 - (bb)** Within 10 days of the close of the hearing record, issue a reconsideration decision and supplemental findings, and within this same time period, the Hearings Official must notify the Director to mail a copy of the decision and findings to people who qualify as a party to the application in conformance with notice of decision procedures at LC 14.060.
 - (iv)** If the Hearings Official elects to reconsider a decision without being requested to do so by an appellant, that appellant will not be required to pay a fee for a subsequent appeal of the Hearings Official decision on reconsideration.
 - (v) Appeal of Reconsidered Decisions.** Reconsidered decisions may be appealed to the Board within 12 days of the date that the decision is mailed pursuant to the procedures at LC 14.080(1) and subsection (c) below.
 - (vi) Timeline Waiver.** In the event a decision of the Hearings Official is being appealed by the applicant, if the applicant requests reconsideration by the Hearings Official, the applicant must first agree to a waiver or extension of timelines in LC 14.050(2), and such a waiver must be in addition to any other waivers already given.
- (c) Elective Board Review Procedure.** An appeal of an affirmed or reconsidered Type III decision will be processed by the Board in accordance with the procedures below. If more than one appeal related to the same property is received and one of the appeals requests a hearing by the Board, then all appeals will be forwarded to the Board for determination consistent with subsection (i) below.
- (i) Board Determination**

 - (aa)** The Board must determine whether or not they wish to hear the appeal, accept limited additional testimony, or conduct an on the record hearing for the appeal per LC 14.070.
 - (bb)** After the determination made under subsection (aa) above, the Board must adopt a written decision and order electing to accept limited testimony,

conduct a hearing on the record, or conduct a de novo hearing or declining to further review the appeal.

- (cc) The Board order must specify the decision of the Board and must include findings addressing the applicable decision standards and criteria below.
- (dd) If the Board's decision is to have a hearing on the record for the appeal, the Board order must specify the date for the on the record hearing and the parties who qualify to participate in the on the record hearing.
- (ii) If the decision of the Board is to allow limited additional testimony and/or conduct an on the record hearing. The appeal proceedings must be conducted in accordance with LC 14.070(14).
- (iv) **Elect to Not Hear the Appeal.** If the decision of the Board is to not hear the appeal, the Board order must expressly state whether or not the Board agrees with or elects to remain silent regarding any interpretations of the Lane County comprehensive plan policies or implementing ordinances made by the Hearings Official in the decision being appealed. The Board order must affirm the Hearing Official decision.
- (v) **Elective Review Decision Criteria.** A decision by the Board to hear the appeal on the record or to conduct a de novo hearing must conclude that a final decision by the Board can be made within the applicable time limit and that the issue raised in the appeal to the Board could have been and was raised before the close of the record at or following the final evidentiary hearing. The Board's decision to hear the appeal must be based on a determination that the appeal meets one or more of the following criteria:

 - (aa) The issue is of countywide significance;
 - (bb) The issue will reoccur with frequency and there is a need for policy guidance;
 - (cc) The issue involves impacts to an inventoried Goal 5 resource; or
 - (dd) The Director or Hearings Official recommends review.
- (vi) **Record of the Hearing.** The Board will consider only those materials contained in the hearing record as provided in LC 14.070(21), except that in this context, the Hearings Official is the hearing authority.
- (vii) **Effective Date.** If the Board elects to not conduct an on the record hearing on an appeal, the Hearing Official's decision will become the final decision of the County. A decision on any application appealed to the Board will become final upon signing of an order by the Board to not hear the appeal or order by the Board specifying the decision of an on the record hearing. The Director will mail notice of the Board order to parties of record upon receipt of the signed order. The notice of Board Order will state the

provisions of subsection (5) below.

- (5) Appeals of Final County Decision.** Appeal of a Board decision under this chapter must be filed with Land Use Board of Appeals.

14.090 Limitations on Approved and Denied Applications

An application reviewed pursuant to the provisions of this chapter is subject to the following limitations:

- (1)** The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The Director's failure to notify the applicant of any requirement or procedure of another agency will not invalidate a decision made under this chapter.
- (2) Vesting of Approval.** Approval of an application for which all rights of appeal have been exhausted cannot be invalidated or modified by subsequent revisions of Lane Code, unless specifically provided for otherwise in Lane Code or the conditions of approval.
- (3) Compliance with Conditions of Approval.** Compliance with conditions of approval and adherence to approved plans is required. Any departure from the conditions of approval and approved plans constitutes a violation of the applicable sections of Lane Code and may constitute grounds for revocation or suspension of the approval unless a modification of approval is approved as provided in subsection (4) below.
- (4) Modification of Approval.** An application for modification of approval must comply with the subsection (a) through (c) below.
 - (a)** An application for modification of approval must:
 - (i)** Be in writing on a form provided by the Director;
 - (ii)** Include the required application fee;
 - (iii)** Be received by the Director prior to the expiration of the approval time period to complete any conditions of approval of the decision for which modification is requested, where calculation of the expiration date includes any time extension approved per subsection (6) below;
 - (iv)** Identify and address any standards or criteria that the original approval addressed; and
 - (v)** Address compliance of the requested modifications with any applicable standards or criteria.
 - (b)** The applicable standards and criteria for the final decision have not changed; and

- (c) A decision on a modification of approval must be made by the same approval authority as the original final decision unless the original decision allows modification by a different approval authority.

(5) Expiration of Approvals

- (a) A permit for a discretionary approval is valid for two years from the date of the final decision, unless otherwise specified in the approval or by other provisions of Lane Code, and except as provided for in (6) below..
- (b) A permit for a discretionary approval of residential development on agricultural or forest zoned land is valid for four years, unless otherwise specified in the approval of an application or by another provision of Lane Code, and except as provided in (6) below,. For the purpose of this section “residential development” only includes the dwellings provided for under ORS 215.213(3) and (4), 215.284, 215.705(1) to (3), 215.720, 215.740, 215.750, and 215.755(1) and (3) as implemented through Lane Code Chapter 16.
- (c) A land division decision is valid subject to Lane Code Chapter 13 except as provided in (6) below.

(6) Extension of Approval Period. The Director may grant a one year extension subject to the following requirements:

- (a) Not all decisions have extension provisions in Lane Code and therefore, may not be able to be extended.
- (b) Extensions must be submitted in writing on the form provided by the department;
- (c) The application must be accompanied by the required fee;
- (d) The request for extension must be submitted prior to the expiration of the approval period;
- (e) An initial one year extension period will be granted unless otherwise provided in the decision and except as provided in (f) below;
- (f) An extension of a permit described in subsection (5)(b) above is valid for two years;
- (g) Except as limited below, additional one year extensions beyond the initial extension will be authorized by the director;
- (h) Additional one year extensions, beyond the initial extension, will be authorized where applicable criteria for the decision have not changed;
- (i) An extension cannot be submitted earlier than six months before the expiration date;

- (j) Approval of an extension granted under this section is a Type I decision, is not a land use decision, and is not subject to appeal as a land use decision.

(7) Revocation or Suspension of a Decision

- (a) The Director may suspend or revoke a decision issued pursuant to this chapter for any reason listed in subsection (i) through (v) below. When taking such action, the Director will notify the owner and/or applicant of the reason for the suspension or revocation and what steps, if any the applicant must take to remedy the reason for the Director's decision.
 - (i) The site has been developed in an manner not authorized by the approval of the application;
 - (ii) The approval has not been complied with;
 - (iii) The conditions of approval have not been completed;
 - (iv) The approval was secured with false or misleading information; or
 - (v) The decision issued was based on an error. In such instances a revocation or suspension may only be made:
 - (aa) During the time period that the approval is still valid;
 - (bb) Prior to finalization of all the conditions of approval; and
 - (cc) Prior to the expenditure of a substantial financial investment in the physical development of the property.
- (b) The Director's decision to suspend or revoke a decision is appealable to the Hearings Official in the same manner as provided for in LC 14.080 for an appeal of a Type II decision. The appeal period will commence the day the Director mails notice to the owner and/or applicant of the Director's decision to suspend or revoke the decision. The notice must state that the owner and/or applicant has the right to appeal the Director's decision and what the procedure is for the applicant to appeal. If the Director elects to refer the matter to the Hearings Official under subsection (c) below, the Director must include in the notice to the owner and/or applicant that the matter has been referred to the Hearings Official and the steps the owner and/or applicant must take to contest the reasons for the suspension or revocation.
- (c) The Director may initiate a review by the Hearings Official to suspend or revoke the issued decision in lieu of making the decision to suspend or revoke the decision. Hearings Official review will follow the procedure for processing of appeals of a Type II decision, and the Hearings Official may suspend or revoke a decision for one or more of the reasons specified in subsection (a) above. A Hearings Official's decision to suspend or revoke a decision is appealable to the Board in the same manner as provided for in

LC 14.080 for appeals to the Board.

(d) If the reason for the suspension or revocation is remedied before the decision becomes final, by the expiration of the appeal time, or by the date of the hearing official hearing, then the suspension or revocation is void.

(8) **Limitations on Refiling Applications.** An application for which a substantially similar application relating to the same property or tract has been denied within the previous year will not be accepted. At the Director's discretion, an earlier refiling may be allowed if it can be demonstrated that the basis for the original denial has been eliminated.

Chapter 14 – Application Review and Appeal Procedures

Sections:

- 14.010 Purpose
- 14.015 Definitions
- 14.020 General Provisions
- 14.030 Procedural Types and Application Processing
- 14.040 Application Requirements
- 14.050 Completeness Review and Statutory Timelines
- 14.060 Notice Requirements
- 14.070 Public Hearings Process
- 14.080 Appeals
- 14.090 Limitations on Approved and Denied Applications

14.010 Purpose

- (1) The purpose of this chapter is to establish standard procedures for submittal, acceptance, investigation, and review of applications and appeals, and to establish limitations upon approved or denied applications.
- (2) This chapter applies to Lane Code Chapters 3, 5, 9, 10, 11, 12, 13, 15, and 16, or portions thereof, as specified in those chapters.

14.015 Definitions

The definitions in LC 14.015 apply to all actions and interpretations under this chapter. The meanings of some terms in this chapter may, in certain contexts, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent will control. Where a term defined in LC 14.015 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.

Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.

- (1) **Acceptance.** Received and considered by the Director to contain sufficient information and materials to begin processing pursuant to the procedures of this chapter.
- (2) **Appearance.** Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name, address, or both on a petition.
- (3) **Appellant.** A person who submits to the department a timely appeal of a decision issued by the County.
- (4) **Applicant.** A person who applies to the department for a decision under this chapter. An

applicant must be an owner of the property or someone authorized in writing by the property owner to make application.

(5) **Approval Authority.** A person or a group of persons, given authority by Lane Code to review and make decisions upon certain applications pursuant to the procedures of this chapter. The approval authority may either be the Director, Hearings Official, or the Board, as specified for specific application types by this chapter.

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

(7) **Board.** The Lane County Board of Commissioners.

(7)(8) **Conditional Use.** The terms conditional, conditional use, conditional use permit(s), conditionally permitted, or conditionally approved are used interchangeably and synonymous with the terms special use(s), special use permit, or similar term used in other chapters of Lane Code that are subject to this chapter.

(8)(9) **County.** Lane County, Oregon.

(9)(10) **De Novo.** Review of an application in which all issues of law and fact are heard anew, and no issue of law or fact decided by the lower level review authority is binding on the parties in the new hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony.

(10)(11) **Department.** The Lane County Department of Public Works.

(11)(12) **Director.** The Planning Director of Lane County or the Planning Director's designated representative.

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

(13)(14) **Hearings Official.** A person who has been appointed by the Board pursuant to Lane Manual 3.700 who makes land use decisions under this chapter.

(14)(15) **Hearing Authority.** The Hearings Official, Planning Commission, or Board who conduct hearings on applications as authorized by this chapter and Lane County land use regulations. The Hearing Official and Board are authorized to issues decisions on certain land use matters. The Planning Commission makes recommendations on certain land use matters.

(15)(16) **Land Use Decision.** A final decision or determination made by a Lane County approval authority that concerns the adoption, amendment, or application of the Statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use

regulation where the decision requires the interpretation or exercise of policy or legal judgment.

A "Land Use Decision" does not include a decision made by a Lane County approval authority that:

- (a) Is an informal interpretation made under LC 14.020(1);
- (b) Is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
- (c) Approves or denies a building permit issued under clear and objective land use standards;
- (d) Is a limited land use decision;
- (e) Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
- (f) Is an expedited land division as described in ORS 197.360;
- (g) Approves, pursuant to ORS 480.450(7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;
- (h) Approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan;
- (i) Authorizes an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 people that is not anticipated to continue for more than 120 hours in any three-month period, except as provided in ORS 215.213(13)(c);
- (j) Authorizes an outdoor assembly license pursuant to Lane Code 3.995; or
- (k) Is a local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179.

~~(16)~~(17) **Land Use Regulation.** Any Lane County zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046, or similar general ordinance establishing standards for implementing the Lane County Comprehensive Plan.

~~(17)~~(18) **Legislative.** An action or decision involving the creation, adoption, or amendment of a law, rule, or a map when a large amount of properties are involved, as opposed to the application of an existing law or rule to a particular use or property.

| ~~(18)~~(19) **Limited Land Use Decision.** Means a final decision or determination made by Lane County pertaining to a site within an urban growth boundary that concerns:

- (a) The approval or denial of a subdivision or partition plan, as described in ORS 92.040(1).
- (b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review.

Does not mean a final decision made by Lane County pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

| ~~(19)~~(20) **Ministerial.** An action or decision based on clear and objective standards and criteria where no discretion by the approval authority is required.

| ~~(20)~~(21) **Owner.** A person on the title to real property as shown on the latest assessment records in the office of the Lane County Tax Assessor. Owner also includes a person whose name does not appear in the latest tax assessment records, but who presents to the County a recorded copy of a deed or contract of sale signed by the owner of record as shown in the Lane County Tax Assessor's records.

| ~~(21)~~(22) **Party.** With respect to actions under this chapter, the following persons or entities are defined as parties:

- (a) The applicant;
- (b) Any owner of the subject property that is the subject of the decision under consideration pursuant to this chapter; and
- (c) A person who makes an appearance before the approval authority or hearing authority.

| ~~(22)~~(23) **Permit.** A discretionary approval of a proposed development of land under ORS 215 or county legislation or regulation adopted pursuant thereto.

"Permit" does not include:

- (a) A building permit;
- (b) A limited land use decision as defined in ORS 197.015;
- (c) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

- (d) A decision which determines final engineering, design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or
- (e) An expedited land division, as described in ORS 197.360.

~~(23)~~(24) **Person.** Any individual, partnership, corporation, limited liability company, association, governmental subdivision or agency or public or private organization of any kind.

~~(24)~~(25) **Planning Commission.** The Planning Commission of Lane County, Oregon.

~~(25)~~(26) **Quasi-judicial.** A land use action or decision that is not ministerial or legislative that requires discretion or judgment in applying the standards or criteria of this Code to an application for approval of a development or land use proposal.

~~(26)~~(27) **Received.** Acquired by or taken into possession by the Director.

14.020 General Provisions

- (1) **Effect of Informal Interpretation.** Any statement, interpretation, or determination provided by the department that is not in writing, or that is made outside of a Type I, II, III, or IV procedure in accordance with this chapter, is considered to be only a statement of opinion and not a final action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, to any party.
- (2) **Pre-Application.** A pre-application conference is not a requirement of any application, but may be requested by for a fee, where a project involves the need for multiple land use applications or for large scale or highly complex development projects. The purpose of the pre-application conference is to acquaint persons with the requirements of Lane Code, the applicable comprehensive plan, and other related documents prior to application. In no case will a pre-application conference or information provided therein be guaranteed to provide an exhaustive review of potential issues associated with any project nor will it preempt the enforcement of applicable regulations.
- (3) **Submission of Materials**
 - (a) **General.** The submission of any materials by any party including application materials, supplemental information, written comments, testimony, evidence, exhibits, or other documents that are entered into the record of any land use application must be submitted either at the offices of the Director or at a public hearing, unless specified otherwise by the hearing notice or hearing authority prior to the close of the record. Materials are considered submitted when received, or in the case of materials submitted at a public hearing, placed before the hearing authority.
 - (b) **Electronic Materials.** When application materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. When electronic materials

over five pages in length are submitted by the applicant or appellant for inclusion in an application record, an identical hard copy of the materials must also be submitted within one business day of the electronic submittal unless this requirement is waived by the Director.

Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received.

- (4) **Time Computation.** Except for timelines prescribed by LC 14.050(2) and (3), time periods prescribed or allowed by this chapter will be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or a legal holiday or any day on which the Director's office is not open for business. For the purpose of this chapter, the end of the business day is 4:00 PM Pacific Time.

14.030 Procedure Types and Application Processing

- (1) **Procedure Types.** Application review will follow either a Type I, II, III, or IV procedure, set forth in subsections (a) through (d) below:

(a) **Type I Procedure**

- (i) **Overview.** The Type I procedure involves the ministerial review of an application based on clear and objective standards and criteria. Uses or development evaluated through this process are those that are permitted outright in the applicable zone. Potential impacts of the proposed development have been already recognized through the adoption of County standards. The Type I procedure does not require interpretation or exercise of policy or legal judgement when evaluating development standards and criteria. A Type I decisions determination isare made by the Director without public notice or a hearing. A Type I decisions-determination may not be appealed at the County level except as otherwise provided in Lane Code.

The Type I ~~ministerial~~ procedure applies to a variety of applications including, but not limited to, a land use compatibility statement (LUCS), declaratory ruling, verification of conditions, final partition or subdivision plat, floodplain verification, or floodplain fill or floodplain development permit, and timeline extensions.

- (ii) **Elective Type II.** In instances when an applicant seeks notice of a Type I decisionsdetermination, the applicant may request to process the request by making application for a Type II procedure.
- (iii) **Review and DecisionDetermination.** Upon accepting a Type I application, the Director will review the application for compliance with all applicable land use

standards and regulations and adopted plans.

- (iv) **Effective Date of Decision Determination.** A Type I decision-determination is final on the date it is signed by the Director ; ~~except that Type I decisions noticed pursuant to LC 14.060 will become effective pursuant to a Type II effective date procedure described below at subsection (b)(iii).~~ Within five days of the decision determination date, the applicant and property owner will be mailed a copy of the decision determination.

(b) Type II Procedure

- (i) **Overview.** The Type II procedure involves the Directors interpretation and exercise of discretion when evaluating approval standards and criteria. Uses or development evaluated through this process are typically conditionally permitted uses that may require the imposition of conditions of approval to ensure compliance with development standards and approval criteria. Type II decisions are made by the Director after public notice. Type II decisions may be appealed.

The Type II procedure applies to a variety of applications including, but not limited to, review of applications for: permitted uses subject to standards, special conditional use permits, partitions, and subdivisions.

- (ii) **Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type II applications will be reviewed pursuant to the following:
- (aa) Notice of application will be mailed if required or elected by the Director or applicant, as provided in LC 14.060(1).
- (bb) At the conclusion of the comment period specified by the notice of application, or upon determination of application completeness if notice of application is not required or elected by the Director or applicant, the Director will review the application and written comments and prepare a written decision stating whether the application is approved, approved with conditions, or denied. The Director's decision will state the facts relied upon in rendering the decision. Approval or denial of an application must be based on applicable standards and criteria; or
- (cc) The Director may elect to process a Type II application through a Type III procedure pursuant to the provisions at subsection (1)(c) below if the application raises one or more of the following issues ~~listed in subsection (A) through (H) below:~~
- (A) An application raises an issue which is of countywide significance.
- (B) An application raises an issue which will reoccur with frequency on which policy guidance is needed.

- (C) An application involves ~~a unique environmental~~ a significant impact to an inventoried Goal 5 resource based upon evidence provided by a state or federal agency, or by a private professional with expertise in the field of the resource of concern.
- (D) An application involves an existing use for which a compliance action is pending or with which a significant level of opposition is anticipated.
- (E) An application involves opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.
- (F) An application involves a contemplated use which would be a different kind of use than the uses of nearby properties and the owners of three or more nearby properties object to the use or request a hearing.
- (G) An application involves a contemplated use which would result in a significant level of new commercial or industrial traffic, or ongoing truck traffic, on local roads in a residentially zoned area; or the introduction of noise, odors or dust into a residentially zoned area.
- (H) At the discretion of the Director ~~or~~ if an applicant requests a Type III hearing procedure and pays the additional required fee.

- (dd) The Director will mail notice of a Type II decision in accordance with LC 14.060. Notice of decision should be mailed within two days.
- (ee) Appeals of Type II decisions may be made pursuant to the procedures at LC 14.080.

(iii) **Effective Date of Decision.** A Type II decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed pursuant with LC 14.080. If the Director's decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

(c) Type III Procedure

(i) **Overview.** The Type III procedure involves interpretation and exercise of discretion when evaluating approval standards and criteria. Applications subject to a Type III ~~process procedure~~ are more complex and development impacts may be significant, warranting review through a public hearing ~~s process~~. The Type III procedure involves public notice, a quasi-judicial hearing, final decision by the Hearings Official, and an opportunity for appeal under LC 14.080. ~~For a quasi-judicial plan amendment and zone change application, the Planning Commission instead of the Hearings Official will review the application, conduct a hearing pursuant to the procedures at LC 14.070, and make a recommendation to the Board.~~

- (ii) **Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type III applications will be reviewed pursuant to the following procedures.
- (aa) Notice of public hearing will be mailed, and as required, posted and published, as provided in LC 14.060.
 - (bb) The Hearings Official will conduct a public hearing, pursuant to the applicable hearing ~~conduct~~ procedures found at LC 14.070.
 - (cc) A Board interpretation of County policy may be requested by the Hearings Official or applicant pursuant to the following procedures either prior to or in the course of the proceedings:
 - (A) When, prior to or in the course of a hearing, the Hearings Official finds that the application raises a substantial question involving either the application or interpretation of a policy that has not been clarified in sufficient detail for the Hearings Official to make a decision on the application, the Hearings Official may submit that question of application or interpretation in written form to the Board for its determination.
 - (B) In the event the application or interpretation of policy is requested by the applicant prior to or in the course of hearing proceedings, the applicant must first agree to a waiver or extension of applicable timelines at LC 14.050(2) until the time that the Hearing Official reconvenes the hearing. Such waiver must be in addition to any other waiver of the statutory application processing timelines requested by the applicant.
 - (C) The Board may elect to accept or reject the Hearings Official's or applicant's request.
 - (D) When such a question or interpretation request is accepted by the Board, those persons receiving notice of the Type III hearing, the applicant, and all parties must be notified that they may submit in writing their view as to what the policy application or interpretation should be. Such written views must be submitted to the Director at least five days in advance of the Board's review of the request. Such persons must restrict their statements to the issue of interpretation or application as stated in the request and must not present the Board with arguments or evidence immaterial to the determination sought.
 - (E) The Board must render its written determination within 14 days after receipt of the question from the Hearings Official. The Board's determination must be transmitted to the Hearings Official, who will then apply the interpretation to the application.
 - (dd) To the extent possible, the Hearings Official should issue to the Director a

written decision and findings within 10 days of close of the hearing record and identify parties to the proceeding.

(ee) The Director will mail notice of the decision in accordance with LC 14.060. Notice of decision should be mailed within two days of issuance of the Hearings Official decision.

(ff) Appeals of Type III Hearings Official decisions may be made pursuant to the procedures at LC 14.080.

(iii) **Effective Date of Decision.** A Type III decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed pursuant to LC 14.080. If the decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

(d) Type IV Procedure

(i) **Overview.** The Type IV procedure applies to the creation, revision, or broad-scale implementation of public policy, land use regulations, or the comprehensive plan. It also applies to changes to zoning maps ~~that affect a large number of properties.~~ The Type IV procedure ~~is legislative in nature and~~ involves the evaluation of subjective review criteria and plan policies, public notice, a hearing before the Planning Commission and Board, final decision issued by the Board, and an opportunity to appeal. The Director may initiate legislative review without a citizen application.

(ii) **Review and Decision.** Upon determination of completeness, Type IV applications will be reviewed pursuant to the following procedures.

(aa) Notice of public hearings will be mailed and published as provided in LC 14.060. Where a Type IV application concerns a specific property or properties, the applicant must post notice on the subject property(ies) per LC 14.060(2)(d).

(bb) The Planning Commission will conduct a public hearing pursuant to LC 14.070 and make a recommendation to the Board.

(cc) The Board will conduct a public hearing pursuant to LC 14.070 and issue a decision.

(dd) The Director will mail notice of the Board's decision in accordance with LC 14.060. Notice of a legislative land use decision will be mailed to the applicant, all parties, and the Department of Land Conservation and Development within 20 days after the Board decision is filed with the Director. The Director will also provide notice to any person as required by other applicable laws.

(ee) Appeals of final land use decisions issued by the Board may be appealed pursuant to the procedures in LC 14.080.

(iii) **Final Decision and Effective Date of Decision.** A Type IV application, if approved, will take effect as specified in the enacting ordinance or, if denied, upon mailing the notice of decision.

(iv) **Submittal of Type IV Requests.** A Type IV applications may only be submitted to the Director between October 1 and December 31, unless otherwise authorized by the Director. The Board may initiate legislative proposals at any time.

(2) **Consolidated Review of Applications.** When an applicant files more than one application concurrently for the same property or tract of land, the applicant may elect to consolidate the review of the concurrent applications. When review of concurrent applications subject to different procedure types is consolidated, all of the applications will be reviewed under the highest procedure type. When proceedings are consolidated, required notices may be consolidated, provided the notice identifies each application and cites their respective review criteria. When more than one application is reviewed, findings of fact must address each application and a decision must be made on each application.

(3) **Limited Land Use Decision Procedure (only within UGBs).** All applications for limited land use decisions must be reviewed and decided by the Director as a Type II decision through a Type II procedure subject to the following requirements.

(a) Notice of application must be mailed pursuant to LC 14.060(1)(a).

(b) Approval or denial of an application for a limited land use decision must be based upon and accompanied by a brief statement that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the standards, criteria, and facts set forth.

(c) A limited land use decision by the Director may be appealed to the Hearings Official and decided through a Type III review procedure.

14.040 Application Requirements

(1) **Minimum Submittal Requirements.** Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:

(a) Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size and include an electronic copy if required by LC 14.020(4)(b).

(b) All applicable information requested on the application form;

- (c) Required filing fee, except that the required filing fee may not be required when Lane County initiates an ~~an Type IV~~ application;
- (d) Signature of each applicant;
- (e) Signature of a property owner or property owner's authorized representative;
- (f) Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor's records;
- (g) Assessor's map and tax lot number of the subject property;

(h) A site plan drawn to a standard engineer's scale, and conforming to the County's site plan submittal standards;

~~(h)~~(i) Information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property;

~~(i)~~(j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;

~~(j)~~(k) Supporting information required to evaluate the application and address the applicable standards and criteria;

~~(k)~~(l) If a railroad-highway crossing provides or will provide the only access to land that is the subject of an application for a land use decision, a limited land use decision or an expedited land division, indication and evidence of this;

~~(l)~~(m) Additional information needed to evaluate applicable standards and criteria.

- (2) **Determination of Application Requirements.** The Director may waive any of the above application requirements if deemed to be inapplicable to the application.
- (3) **Applicant's Burden.** It is the applicant's responsibility to provide persuasive evidence demonstrating that the application complies with the applicable standards and criteria.
- (4) **Modification of Application.** Once an application is deemed complete, an applicant may modify an application at any time up until the issuance of a Type II Director decision, or close of the record for an application reviewed under a Type III or IV hearing procedure, subject to the following provisions:
 - (a) A modification of application is when revisions to an application involve changes that would require the application of new standards and criteria or require new a notice of application or public hearing. A modification of application does not include an applicant's submission of new evidence that merely clarifies or supports the pending application.

- (b) The Director or hearing authority will not consider information submitted by or on behalf of an applicant that would constitute a modification of application unless the applicant submits an application for a modification of application, pays the required fee, and agrees in writing to restart applicable timelines at LC 14.050(2) as of the date the modification of application is submitted.
- (c) The applicable time limit for final review for an application may be restarted as many times as there are modification of applications submitted, subject to 14.050(2) **abovebelow**.
- (d) Modification of application is subject to the completeness review procedures in this section.
- (e) The Director or hearing authority may require additional notice and if applicable, public hearing.
- (f) Up until the date and time a hearing is opened for receipt of oral testimony on an application, the Director will have the sole authority to determine whether an applicant's submittal constitutes a modification of application. After such time, the hearing authority will make such determinations. The determination of whether a submittal constitutes a modification of application will be appealable only to the Land Use Board of Appeals and will be appealable only after a final decision is entered on the application.

14.050 Completeness Review and Time Limits

- (1) **Type II or III Completeness Review.** Within 30 days of a Type II or Type III application being received, the Director will evaluate the application for completeness, pursuant to subsections (a) through (f) below.
 - (a) An application submitted to the Director will not be considered accepted solely because of having been received. Upon receipt of an application the Director will date stamp the application and verify that the appropriate application fee and materials have been submitted before accepting the application. Acceptance of an application will not preclude a later determination that the application is incomplete.
 - (b) Applications will be evaluated for completeness with the requirements of LC 14.040.
 - (c) **Supplementation of Application within First 30 days of Submittal.** An applicant may not submit any supplemental information for an application within the first 30 days following acceptance of the application or until the application has been deemed complete, whichever is first, except when requested or otherwise authorized by the Director. Any supplemental information submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.
 - (d) **Complete Application.** An application will be deemed complete if the application requirements have been fully satisfied upon initial filing or through the procedures set

forth in subsection ~~(2)(e)(1)(e)~~(i) - (iii) ~~or (d)~~ below. When the Director deems the application complete, the Director will notify the applicant in writing. If the Director has not issued in writing a completeness determination within 30 days from the date the application is received by the Director, the application is automatically deemed complete on the 31st day after it was received.

(e) Incomplete Application. If an application is incomplete, the Director will notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information within the timeframe set forth in subsection (e) below. The application will be deemed complete upon receipt by the Director of:

(i) All of the missing information;

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

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

(f) Void Applications. ~~Unless it is determined by the Director to continue processing an application, o~~On the 181st day after first being submitted, an incomplete application is void if the applicant has been notified of missing information and the application has not been deemed complete pursuant to subsection (1)(d) or (2)(e)(1)(e)(i) - (iii) above.

(g) Applicable Standards and Criteria. If an application was complete when first submitted or the applicant submits additional information pursuant to subsection (1)(e) above within 180 days of the date the application was first submitted, review of the application will be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) Time Limit. Subject to the limitations, exceptions and clarifications in ORS 215.427 and except as provide in subsection (1) above, the County must take final action ~~on certain applications~~, including all appeals under ORS 215.422, within the timelines set forth in subsections (a) to (c) below. Violation of these timelines does not constitute a procedural error by the County, but provides the applicant with the remedy set forth in ORS 215.429.

(a) For land within an urban growth boundary and applications for mineral aggregate extraction the County must take final action on an application for a ~~and for~~ permits, limited land use decisions, or and zone change s within an urban growth boundary, the County must take final action within 120 days after the application is deemed complete.

(b) For applications for new telecommunication towers or collocations, the County must take final action within any applicable time limit set forth by the Federal Communications Commission or within a timeframe mutually agreed upon by the County and the applicant in accordance with FCC ruling, as applicable.

- (c) For all other applications, the County must take final action within 150 days after the application is deemed complete.

14.060 Notice Requirements

~~(1) Mailed, posted, or published notice may be provided that exceeds the requirements of this chapter.~~

~~(2)~~(1) Notice of Application

- (a) **Limited Land Use Decision Notice of Application Required.** For a limited land use decision, written notice of the application must be mailed to owners of property within 100 feet of any part of the tract for which the application is made and to any neighborhood or community organization recognized by the Board and whose boundaries include the site, and to any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action. The notice must provide at least a 14 day period for submission of written comments prior to the decision. The notice must include the information required by subsection (4).
- (b) **Discretionary Notice of Application.** At the discretion of the Director or applicant, notice of a Type II application may be mailed pursuant to subsections (43) and (54) below. The Director may choose to mail notice of the application only to affected governmental agencies. The notice will provide at least a 15 day period for submission of written comments prior to the decision.
- (c) **Special Notice and Review Requirements for a Dwelling in the EFU Zone.** Upon acceptance of an application for a dwelling on EFU-zoned land pursuant to LC 16.212(7)(g), the Director must provide notice of application consistent with the following.
 - (i) The notice of application must be mailed pursuant to subsections (43) and (54) below to the following:
 - (aa) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be established; and
 - (bb) Any person who requested notice of such applications and who paid a reasonable fee imposed by the County to cover the cost of such notice.
 - (ii) The notice required under this section must specify that there are 15 days following the date of the postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use.
 - (iii) If no objection, based on the grounds identified in (ii) above, is received within 15-

day notice period, ~~or if an objection was received but was not based on the grounds that the dwelling or activities associated with it would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands,~~ the Director ~~may~~ must approve, approve with conditions, or deny the application. If an objection is received based on the grounds identified in (ii) above that the dwelling or activities associated with it would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands, the Director must set the matter for a hearing and process the application through a Type III procedure.

- (iv) The costs of the notice required by subsection (1)(c)(i) of this section may be charged to the applicant.

(d) Special Notice to Railroad Company upon Certain Applications for Land Use Decision, Limited Land Use Decision or Expedited Land Use Decision

- (i) As used in this section, the term “railroad company” includes every corporation, company, association, joint stock association, partnership or person, and their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, controlling or managing any railroad.

- (ii) The Director must provide notice of application, pursuant to the timelines established in this section of application pursuant to subsections (43) and (54) below to the Oregon Department of Transportation and the railroad company if the applicant indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application for a land use decision, limited land use decision, or expedited land division.

- (e) **Timing of Notice of Application.** Where notice of application is sent pursuant to (a), (b), (c), or (d) above, such notice will be mailed after determination that the application is complete.

~~(3)~~(2) **Notice of Public Hearing**

- (a) **Mailed Notice for a De Novo Hearing.** Mailed notice of a de novo public hearing containing the information required by subsection (54) below will be provided as follows:

- (i) **Type III.** The Director must mail notice of hearing on a Type III application at least 20 days prior to the public hearing date. Notice of public hearing will be mailed to the parties-persons listed in subsection (43) below.

- (ii) **Type IV.** At least 20 days, but not more than 35 days, before the date of the first Type IV public hearing, notice of public hearing will be mailed to:

(aa) Each owner whose property would be directly affected by the proposal;

(bb) Any affected governmental agency;

~~(bb)~~(cc) To any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action; and

~~(cc)~~(dd) Any person who requests notice in writing of a specific application.

(b) Mailed Notice for an On the Record Hearing. Mailed notice of an on the record hearing will be provided as follows:

(i) The Director must mail notice of an on the record hearing at least 10 days prior to the public hearing date. Notice of public hearing will be mailed to the following persons:

(aa) Applicant;

(bb) Property owner;

(cc) Appellant (if applicable);

(dd) Any party to the application.

(ii) The notice will include the information required by subsection (4) below as applicable, a statement regarding the purpose of the hearing and whether testimony under LC 14.070(145) will be allowed, and the names of parties who may participate in the Board hearing.

(c) Posted Notice

(i) For Type III and IV applications that involve a specific property or properties, at least 14 days before the first hearing, not including an appeal hearing, the applicant must post a notice of the hearing on the subject property in clear view from a public right-of-way where feasible. Posted notice must be on a sign provided by the Director. The design of the sign will be prescribed by the Director, but must be at least 22 inches by 28 inches in size and have a brightly colored background. The posted notice will contain the following information:

(aa) Time, date, and place of the first hearing;

(bb) Department file number;

(cc) General nature of the proposal; and

(dd) Where more information may be obtained.

(ii) Prior to the public hearing the applicant must submit to the Director an affidavit of posting indicating that the notice was posted in accordance with this subsection.

- (iii) The applicant must remove and safely lawfully dispose of the sign within 14 days of the close of the public hearing.

(d) Published Notice of Hearing

- (i) At least 21 days before the first hearing for zone change and/or plan amendment application, the Director must publish notice of the hearing in a newspaper of general circulation. The notice provisions of this section does not restrict the giving of notice by other means, including mail, radio, and television. The published notice will contain the same information required in subsection (c)(i)(aa)-(dd) above.
- (ii) For an on the record hearing on a zone change, published notice must be provided in the same manner as described above, except that notice must be published at least 10 days before the first on the record hearing.

(3) Notice of Decision

A notice of a decision will be mailed to the persons identified in (4) below, as applicable, upon a written decision being signed by the approval authority. The notice of decision will contain the applicable information identified in (5) below.

(4) Mailing List

- (a) For discretionary notice of an application pursuant to 14.060(1)(a) above, a Type I decision where notice is requested, a Type II decision, or Type III hearing, notice must be mailed to the following persons:
 - (i) Applicant;
 - (ii) Property owner;
 - (iii) Appellant (if applicable);
 - (iv) Owners of record of properties on the most recent property tax assessment roll where such property is located:
 - (aa) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
 - (bb) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - (cc) Within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
 - (v) Any neighborhood group or community organization recognized by the governing

body as specified in Lane Manual Chapter 3 and whose boundaries include the site;

- (vi) Any person who submits a written request to receive a notice of the specific application or specific type of application involved;
- (vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the County and any other affected governmental agencies. ~~At a minimum, the Director will notify the jurisdiction, if different than Lane County, with authority over roads which may be impacted by the decision.~~ At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate a permit or land use decision approval issued by the Director or Hearings Official; and
- (viii) For a notice of decision or appeal: any person who appeared either orally or in writing before the approval authority.

(b) A notice of a Type IV hearing or Type III or IV decision must be mailed to the following persons:

- (i) Applicant;
- (ii) Property owner (if applicable);
- (iii) Appellant (if applicable);
- (iv) Any party to the application;
- (iii) Any person who submits a written request to receive a notice of the specific application or specific type of application involved;
- (iv) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the county and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate an action or permit approval made by the hearing authority under this Code;
- (v) For any notice of decision or appeal, any person who appeared either orally or in writing before the approval authority; and

(5) **Mailed Notice Content.** Any mailed notice of application, decision, or public hearing must contain information in subsection (a) below, and where applicable, the additional information specified in subsection (b) through (e).

(a) Minimum Content Required

- (i) Identification of the application by department file number;
- (ii) Identification of the property owner, and if different than the owner, the applicant and/or the applicants or owners authorized representative;
- (iii) Identification of appellant (if applicable);
- (iv) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property and any contiguous properties in the same ownership;
- (v) Explanation of the nature of the application and the proposed use or uses which could be authorized by the decision;
- (vi) List of the applicable standards and criteria, by commonly used citation, from the applicable comprehensive plan that apply to the application and decision;
- (vii) Name, phone number, and email of the department representative to contact to obtain additional information;
- (viii) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable standards and criteria, and a copy of any staff report are available for inspection at no cost and copies will be provided at reasonable cost; and

(ix) Statement that “NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE FORWARDED TO THE PURCHASER.”

(b) Additional Content for Notice of Application. In addition to all of the information required by subsection (a) above, a mailed notice of application for a Type II application must contain the following information:

- (i) Place, date, and time that comments are due;
- (ii) State that issues which may provide the basis for an appeal must be raised in writing with sufficient specificity to enable the Director to respond to the issue prior to the expiration of the comment period; and
- (iii) Statement that after the close of the 15-day comment period, the Director will issue and provide notice of the decision to persons who provided written comments or are otherwise legally entitled to notice of decision.

(c) Additional Content for Notice of Limited Land Use Application. In addition to all of the information required by subsection (a) and (b)(i)-(ii) above, a mailed notice of application for a limited land use decision must contain the following information:

- (i) Provide a brief summary of the local decision making process for the limited land use decision being made.
- (d) **Additional Content for Notice of Public Hearing.** In addition to all of the information required by subsection (a)(i)-(ix) above, mailed notice of public hearing must contain the following information:
- (i) The time, date, and place of the hearing;
 - (ii) Identification of which hearing authority will conduct the public hearing;
 - (iii) A statement that failure to raise an issue in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes the ability to appeal to the Land Use Board of Appeals;
 - (iv) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided upon request at a reasonable cost; and
 - (v) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (e) **Additional Content for Notice of Decision.** In addition to all of the information required by subsection (a) above, a mailed notice of decision must contain the information listed below. The notice may be a summary, provided it references the specifics of the proposal and the conditions of approval in the record.
- (i) Description of the nature of the decision;
 - (ii) Statement of where a copy of the decision can be obtained;
 - (iii) Statement of how to appeal the decision;
 - (iv) Deadline for an appeal;
 - (v) Date the decision will become final, unless appealed; and
 - (vi) For a Type II decision:
 - (aa) Statement that the decision will not become final until the period for filing a local appeal has expired;
 - (bb) Statement that any person who is adversely affected or aggrieved or who is entitled to notice of decision may appeal the decision by filing a written appeal; and

- (cc) Statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals.

(6) Additional Notice

- (a) Mailed, posted, or published notice may be provided that exceeds the requirements of this chapter. The requirements for ~~public hearing~~ notice must not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Director for any reason.

14.070 Public Hearings Process

- (1) **Staff Report.** At least seven days prior to a public hearing, the Director will provide a staff report to the hearing authority and parties to the application, and make it available to the public upon request. If the report is not provided by such time, the hearing will be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date certain that is at least seven days after the date the staff report is provided. The granting of a continuance under these circumstances will be at the discretion of the hearing authority.

(2) Personal Conduct

- (a) No person may be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- (b) No person may testify without first receiving recognition from the hearing authority and stating their full name and address.
- (c) No person may present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- (d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing are not permitted. Any such conduct may be cause for immediate suspension of the hearing or removal of the offender from the hearing.

- (3) **Limitations on Oral Presentations.** The hearing authority may set reasonable time limits on oral testimony.

- (4) **Appearing.** Any interested person may appear either orally before the close of a public hearing or in writing before the close of the written record, except that for an on the record hearing, persons who may appear are limited to those described at LC 14.070(15)(f). Any person who has appeared in the manner prescribed in 14.070(15)(f) will be considered a party to the proceeding.

(5) Disclosure of Ex Parte Contacts

- (a) Any member of a hearing authority for a Type III procedure must reasonably attempt to

avoid ex parte contact. As used in this section, ex parte contact is communication directly or indirectly with any party or their representative outside of the hearing in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should a hearing authority member engage in ex parte contact, that member must:

(i) Publically announce for the record at the hearing the substance, circumstances, and parties to such communication;

(ii) Announce that other parties are entitled to rebut the substance of the ex parte communication during the hearing; and

(iii) State whether they are capable of rendering a fair and impartial decision.

(b) If the hearing authority or member thereof is unable to render a fair and impartial decision, or recommendation in the case of the Planning Commission, they must recuse themselves from the proceedings.

(c) Communication between the Director ~~or department staff~~ and ~~a member of~~ the hearing authority or a member thereof before or during the hearing will is not ~~be~~ considered an ex parte contact.

(6) **Disclosure of Personal Knowledge.** If any member of a hearing authority uses personal knowledge acquired outside of the hearing process in rendering a decision, they must state the substance of the knowledge on the record.

(7) **Site Visit.** For the purposes of this section, a site visit by any member of a hearing authority will be deemed to be personal knowledge. If a site visit has been conducted, the hearing authority member must disclose their observations and conclusions gained from the site visit.

~~(7)~~(8) **Challenge for Bias, Prejudgment, or Personal Interest.** Prior to or at the commencement of a hearing, any party may challenge the qualification of any member of the hearing authority for bias, prejudice, or personal interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, that hearing authority member must either recuse themselves from the proceedings, or make a statement on the record that they can make a fair and impartial decision and will hear and rule on the matter.

~~(8)~~(9) **Potential Conflicts of Interest.** No member of the hearing authority may participate in a hearing or a decision upon an application when the effect of the decision would be to the private pecuniary benefit or detriment of the member or the member's relative or any business in which the member or a relative of the member is associated unless the pecuniary benefit arises out of:

(a) An interest or membership in a particular business, industry occupation or other class required by law as a prerequisite to the holding by the member of the office or position;

(b) The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged; or

(c) The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged.

~~(9)~~**(10) Qualification of a Member of the Hearing Authority Absent at a Prior Hearing.** If a member of the hearing authority was absent from a prior public hearing on the same matter which is under consideration, that member will be qualified to vote on the matter if the member has reviewed the record of the matter in its entirety and announces, prior to participation that this has been done. If the member does not review the record in its entirety, that member must not vote and must abstain from the proceedings.

~~(10)~~**(11) Hearing Authority's Jurisdiction.** In the conduct of a public hearing, the hearing authority will have the jurisdiction to:

- (a) Regulate the course, sequence and decorum of the hearing.
- (b) Decide procedural requirements or similar matters consistent with this chapter.
- (c) Rule on offers of proof and relevancy of evidence and testimony and exclude repetitious, immaterial, or cumulative evidence.
- (d) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony.
- (e) Take such other action appropriate for conduct of the hearing.
- (f) Grant, deny, or in appropriate cases, attach such conditions to the matter being heard to the extent allowed by applicable law and that may be necessary to comply with the applicable approval criteria or in appropriate cases, formulate a recommendation for the Board.
- (g) Continue the hearing to a date certain as provided at LC 14.070(18).
- (h) Allow the applicant to withdraw the application. Subsequent to the application withdrawal, any new application for the same property must be submitted and reprocessed in compliance with the provisions of this chapter.

~~(11)~~**(12) Hearing Procedures.** At the commencement of a hearing, the hearing authority must state to those in attendance all of the following information and instructions:

- (a) Date of the hearing;

- (b) Department file number;
- (c) Nature and purpose of the hearing, and whether the hearing is a de novo hearing or an on the record hearing. If the hearing is an on the record hearing, provide a statement that only persons identified in LC 14.070(15)(f) are allowed to participate and that issues will be limited those raised in the notice of appeal;
- (d) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property, if applicable;
- (e) Order of the proceedings, including reasonable time limits on oral presentations by parties;
- (f) For a Type III procedure a statement disclosing any pre-hearing ex parte contacts;
- (g) For a Type III or IV procedure a statement disclosing any personal knowledge, bias, , prejudice, or personal interest on the part of the hearing authority;
- (h) Call for any challenges to the hearing authority's qualifications to hear the matter. Any such challenges must be stated at the commencement of the hearing, and the hearing authority must decide whether they can proceed with the hearing as provided in subsection (9) above;
- (i) List of the applicable approval standards and criteria for the application;
- (j) Statement that testimony, arguments, and evidence must be directed toward applicable approval standards and criteria, or other standards and criteria in the Lane County land use regulations or comprehensive plan that the person testifying believes to apply to the decision;
- ~~(j)~~(k) Statement that failure to raise an issue accompanied by statements or evidence with sufficient detail to give the hearing authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
- ~~(k)~~(l) Statement that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the hearing authority to respond to the issue precludes an action for damages in circuit court;
- ~~(l)~~(m) Statement that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing authority must grant the request by either continuing the public hearing pursuant to subsection (18) below, or leaving the record open for additional written evidence, arguments, or testimony pursuant to subsection (19) below; and
- ~~(m)~~(n) Statement that the ~~hearing authority's~~ decision of the approval authority may be appealed pursuant to LC 1.4080.

~~(12)~~(13) **Order of Proceeding.** In the conduct of a public hearing other than an on the record hearing, the following order of procedure will generally be followed. However the hearing authority may modify the order of proceeding.

- (a) The Director will present the staff report;
- (b) The applicant will be heard first. For an appeal, the appellant, if different from the applicant will be heard first then the applicant;
- (c) Allow persons in favor of the proposal to be heard;
- (d) Allow persons neither in favor or opposed of the proposal to be heard;
- (e) Allow persons opposed to the proposal to be heard;
- (f) Allow the Director to present any further comments or information in response to the testimony and evidence;
- (g) Allow the applicant final rebuttal;
- (h) Conclude the hearing.

(14) Hearing Procedures for On the Record Hearings. The following procedures are for on the record hearings in accordance with LC 14.080(4)(c)(ii). These procedures are in addition to or apply in place of other hearing procedures in this section where these procedures are duplicative of or conflict with those procedures.

~~(i)~~**(a) Review on the Record.** Evidence considered by the ~~hearing authority~~Board must be confined to the record of the proceeding before the previous ~~hearing approval~~ authority except as provided in subsection (b) and (c) below.

~~(i)~~**(b) Limited Additional Testimony.** The ~~hearing approval~~ authority may admit additional testimony and other evidence without holding a de novo hearing, if the ~~hearing approval~~ authority is satisfied that the testimony or other evidence could not have been presented before close of the record on prior hearing proceedings. In deciding whether to admit additional testimony or evidence, the ~~hearing approval~~ authority will consider:

- (i) Prejudice to parties;
- (ii) Convenience or availability of evidence at the time of the prior hearing proceedings;
- (iii) Impact to opposing parties;
- (iv) When notice was given to other parties of the intended attempt to admit the new evidence;
- (v) The competency, relevancy, and materiality of the proposed testimony or other evidence; and

- (vi) Whether the matter should be remanded to the hearing-approval authority for a de novo hearing under (c) below this section.

~~(k)~~**(c) De Novo Hearing/Remand**

- (i) The hearing-approval authority may elect to hold a de novo hearing or remand the appeal for a supplemental de novo hearing before the hearing-approval authority that held the previous hearing if it decides that the volume of new information offered by a party proceeding under LC 14.070(15)(b) above would:
 - (aa) Interfere with the hearing-approval authority's agenda; or
 - (bb) Prejudice parties; or
 - (cc) If the hearing-approval authority determines that the wrong legal criteria were applied by the previous hearing-approval authority.
- (ii) On remand, the previous hearing-approval authority must apply the hearing conduct procedures of this section LC 14.070. If an appeal is desired from the previous hearing-approval authority's decision on remand, the procedures of LC 14.080 apply.
- (iii) In the event that a de novo hearing or remand is requested by the applicant, the applicant must first agree to a waiver of any statutory timelines in which Lane County must process the application, and such waiver must be in addition to any other waivers of the statutory application processing timelines requested by the applicant.

~~(l)~~**(d) Notice of an On the Record Hearing.** Notice of an on the record hearing will be mailed, and as required, posted and published, in accordance with LC 14.060.

~~(m)~~**(e) Written Material.** Unless otherwise specified by the hearing-approval authority, all written materials exceeding two pages in length to be submitted for consideration at an on the record hearing permitted under (b) above must be submitted to and received by the Director at least five days in advance of the hearing. Upon request, the application file containing these materials must be made available to the public by the Director. The hearing-approval authority may allow written materials to be submitted and received after this five-day deadline if:

- (i) The written materials are limited to those solely responsive to the written materials submitted at least five days in advance of the on the record hearing;
- (ii) The responsive, written materials could not have been reasonably prepared and submitted at least five days in advance of the on the record review hearing; and

- (iii) Copies of the written materials have been provided to all parties to the on the record hearing.

~~(h)~~**(f) On the Record Hearing Participation.** The only people who may participate in a Board on the record hearing are:

- (i) The Director;
- (ii) The applicant and the applicant's representative;
- (iii) The appellant and the appellant's representative; and
- (iv) Another party of record may provide limited additional testimony, but only in accordance with subsection (b) above.

~~(e)~~**(g) Order of Proceeding.** In the conduct of an on the record hearing the following order of proceeding will be followed:

- (i) The Director will present the staff report;
- (ii) The appellant will be heard first;
- (iii) The applicant, if different from the appellant will be heard next;
- (iv) The appellant will be allowed to rebut;

(v) Conclude the hearing.

(15) Questions. The hearing authority at any point during the hearing may ask questions of the Director or parties. Questions by parties, interested persons, or the Director may be allowed by the hearing authority at their discretion. Questions must be directed to the hearing authority. Questions posed directly to the Director or any party are not allowed. The hearing authority may allow questions to be answered by the Director or a party if a question pertains to them. They will be given a reasonable amount of time to respond solely to the question.

(16) Presenting and Receiving Evidence. No oral testimony will be accepted after the close of the hearing. Written testimony may be received after the close of the hearing only in accordance with subsections (1~~9~~8) through (2~~1~~0) below.

(17) Continuances and Leaving the Record Open (Extension). If the hearing is an initial evidentiary hearing, prior to the conclusion of the hearing any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing authority must grant such request by continuing the public hearing pursuant to (a) below or leaving the record open for additional written evidence, arguments, or testimony pursuant to (b) below~~the provisions below~~.

(a) If the hearing authority grants a continuance ~~to the hearing~~, the hearing must be continued to a date, time, and place certain that is at least seven days after the date of the ~~first initial~~ evidentiary hearing. An opportunity ~~will~~ **must** be provided at the continued hearing ~~for persons~~ to present and respond to new ~~written~~ evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.

~~(a)(b)~~ If the hearing authority leaves the record open for additional written evidence, arguments, or testimony, the record must be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such request is filed, the hearing authority must reopen the record pursuant to subsection (20) below.

(c) A continuance ~~or leaving the record open (extension)~~ granted under this section is subject to the applicable time limit for processing the application, unless the continuance or extension is requested or agreed to by the applicant, in which case except that any continuance or extension of the record requested by the applicant the continuance or extension will result in a corresponding extension of the applicable time limit. A continuance or extension to the applicable timeline is subject to the total time limit set in LC 14.050(2).

~~(b)(d)~~ Unless waived by the applicant, the hearing authority must grant the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application, excluding new evidence. The applicant's final rebuttal will be considered part of the record, but must not include any new evidence. This seven-day period will not be counted toward the applicable time limit for processing the application.

~~(e)(e)~~ At the discretion of the Director, if prior to the initial public hearing, or at the discretion of the hearing authority if at the ~~initial~~ hearing, an applicant may receive a continuance upon any request for a continuance if accompanied by a corresponding extension of the applicable time limit subject to the total time limit set forth in LC 14.050(2), and the applicable fee.

~~(d)~~ Any party may request that the written record remain open to present additional evidence, arguments, or written testimony. ~~If the hearing authority leaves the record open for additional written evidence, arguments, or testimony, the record must be left open for at least seven days as follows:~~

~~(i)~~ An extension of the written record granted pursuant with this subsection is subject to the time limits at LC 14.050(2). ~~If an extension of the written record is requested by the applicant, the applicant must provide written consent to a timeline waiver or extension prior to the adjournment of the hearing. An extension to the applicable timeline is subject to the total time limit set in LC 14.050(2).~~

~~(ii) Any party may file a written request for an opportunity to respond to new evidence submitted during open record period. If such a request is filed, the hearing authority must re-open the record pursuant to subsection (20) below.~~

~~(iii) Unless waived by the applicant, the hearing authority will grant the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application, excluding new evidence.~~

(18) Rescheduling. In the event that a noticed public hearing must be rescheduled due to an emergency situation, the rescheduling of the meeting will 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 or that new notice will be sent indicating that new date, time, and place.
- (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.

(19) Re-opening the Record. When the hearing authority re-opens the record to admit new evidence, arguments, or testimony, the hearing authority must allow people who previously participated in the hearing to request the hearing record be re-opened, as necessary, to present evidence concerning the newly presented facts. Upon announcement by the hearing authority of their intention to take notice of such facts in its deliberations, any person may raise new issues which relate to the new evidence, arguments, testimony, or standards and criteria which apply to the matter at issue.

(20) Record of the Hearing. The hearing authority will consider only facts and arguments in the hearing record; except that it may consider laws and legal rulings not in the hearing record (e.g., local, state, or federal regulations; previous department decisions; or case law).

- (a) The hearing record will include all of the following information:
 - (i) All oral and written evidence submitted to the hearing authority;
 - (ii) All materials submitted by the Director to the hearing authority regarding the application;
 - (iii) A recording of the hearing;
 - (iv) The final written decision; and
 - (v) Copies of all notices given as required by this chapter and correspondence regarding the application that the Director mailed or received.
- (b) All exhibits presented will be kept as part of the record and marked to show the identity

of the person offering the exhibit. Exhibits will be numbered in the order presented and will be dated.

(21) Conclusion of Hearing

- (a) After the close of the hearing record, the hearing authority may either make a decision and state findings which may incorporate findings proposed by any party or the Director, or take the matter under advisement for a decision to be made at a later date. If the Planning Commission is the hearing authority, it will make a recommendation with findings to the Board in lieu of issuing a decision.
- (b) The hearing authority may request proposed findings and conclusions from any party at the hearing. The hearing authority, before adopting findings and conclusions, may circulate them in draft form to parties for written comment.
- (c) The ~~written recommendation or~~ decision and findings must be completed in writing and signed by the hearing authority within ten days of the closing of the record for the last hearing. A longer period of time may be taken to complete the findings and decision if the applicant provides written consent to an extension or waiver to the timelines ~~at LC 14.050(2)~~ on the application for an amount of time that is equal to the amount of additional time it takes to prepare the findings.

- (22) **Decision and Findings Mailing.** ~~Within two days of the date that~~Upon the a written decision adopting findings ~~is being~~ signed by the ~~hearing authority approval authority~~, the Director will mail to the applicant, and all parties a copy of the decision and findings, or if the decision and findings exceed five pages, the Director will mail notice of the decision.

14.080 Appeals

- (1) **Appeal Filing Procedures ~~for a Type II or Type III Decision.~~** ~~A Type II and Type III decisions may be a~~ppealed ~~are processed~~ pursuant to the following:
- (a) **Who May Appeal.** Any party to the decision may appeal the decision.
 - (b) **Time for Filing.** A ~~Type II or III decision may be appealed by filing of~~ notice of appeal in accordance with subsection (c) below must be filed with the Director prior to the close of business on the 12th day of the date the notice of decision is mailed ~~in accordance with subsection (c) below~~.
 - (c) **Content of Notice of Appeal.** Except as provided in subsection (d) below, a notice of appeal must:
 - (i) Be submitted in writing to and received by the Director within the appeal period;
 - (ii) Be accompanied by the required filing fee in all circumstances except as provided in subsection (3)(a)(iii) or (4)(b)(iv) below;

- (iii) Identify the decision being appealed, including the date of the decision and the department file number for the decision;
 - (iv) Include a statement demonstrating the person filing the notice of appeal is a party, pursuant to (a) above;
 - (v) Include a statement explaining the specific issues being raised on appeal;
 - (vi) Provide an explanation with detailed support specifying one or more of the following as assignments of error or reasons for reconsideration;
 - (aa) The Director or Hearings Official exceeded their jurisdiction;
 - (bb) The Director or Hearings Official failed to follow the procedure applicable to the matter;
 - (cc) The Director or Hearings Official rendered a decision that is unconstitutional;
 - (dd) The Director or Hearings Official misinterpreted the Lane Code or Lane Manual, state law or federal law, or other applicable standards and criteria; and/or
 - (ee) Reconsideration of the decision is requested in order to submit additional evidence not available in the record at the hearing and addressing compliance with relevant standards and criteria.
 - (vii) A notice of appeal of a Type III decision ~~should~~must also include the following:
 - (aa) Statement indicating whether the issue raised in the appeal to the Board was raised before the close of the record and whether the appellant wishes the application to be approved, denied, or conditionally approved; and
 - (bb) Include a request that the appeal be processed through Hearings Official Reconsideration per LC 14.080(4)(b), Board elect not to hear procedure per LC 14.080(4)(c), or on-the-record hearing before the Board per LC 14.080(4)(c).
 - (d) The failure of an appeal to state the manner in which the applicable criteria were erroneously applied must not deprive the Hearings Official or Board of jurisdiction over the appeal and the Hearings Official or Board may proceed to hear the matter. The Planning Director or 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.
- (2) **Director Review of Appeal.** Within two days of receiving any appeal, the Director must review the appeal to determine if it was received within the 12 day appeal period and if it satisfies all of the requirements of LC 14.080(1) above. The Director will either accept or

reject the appeal as follows.

(a) Appeal Acceptance. If an appeal is timely and satisfies all the requirements of LC 14.080(1), the Director must accept and process the appeal.

~~(a)~~(b) Appeal Rejection

- (i) If the appeal was not received by the appeal deadline, the Director must reject the appeal and mail notice to the appellant that it was rejected because it was filed after the appeal period.
- (ii) If the appeal is made within the appeal period, but does not satisfy the requirements of LC 14.080(1), the Director must reject the appeal and mail to the appellant a written statement identifying the deficiencies of the appeal. The appellant may correct the deficiencies and re-submit the appeal if the resubmission is received by the Director within the 12-day appeal period. Failure to correct the deficiencies within the original appeal period will waive the right to appeal.
- (iii) Appeals not rejected by the Director within two days of receipt will be deemed accepted.

~~(b)~~(c) The Director must mail notice of acceptance of an appeal of a Type II or III decision within two days of appeal acceptance to the applicant, applicant's representative, and if different than the applicant, the appellant. The notice must state the tentative hearing date for the appeal and the requirements of this chapter for submission of written materials prior to the hearing.

~~(c)~~(d) Within two days of accepting an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official for reconsideration.

(3) Appeal Process for a Type II Decision

- (a) **Reconsideration.** Within two days of acceptance of an appeal of a Type II decision, the Director may affirm, modify, or reverse the decision in compliance with the following:
 - (i) **Affirmation.** To affirm the decision, no action by the Director is necessary.
 - (ii) **Modification or Reversal.** To modify or reverse the decision, the Director must conclude that the final County decision on the application can be made within the 120-day or 150-day time limit in LC 14.050(2) and, if applicable, FCC timelines at LC 14.050(3), prepare a written modification or reversal of the decision, together with supporting findings, and mail notice of decision pursuant to LC 14.060 above. Notice of a modification or reversal of the decision must be mailed within two days of the Director's decision and provide for a new 12-day appeal period.
 - (iii) If the Director elects to reconsider the decision without request by the appellant, the appellant will not be required to pay a fee for a subsequent appeal of the

Director's reconsidered decision.

- (b) **De Novo Hearing.** Appeal of a Type II decision made by the Director will result in a de novo hearing before the Hearings Official. A hearing on an appeal of Type II decision will follow the same procedure used for a hearing on a Type III review pursuant to the [applicable](#) procedures at LC 14.070 [with notice pursuant to the Type III hearing notice requirements of LC 14.060](#). The Hearings Official's review will not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type II Decision, and may include additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
 - (c) **Appeal of Hearings Official Decision.** Appeals of decisions made by the Hearings Official on appeal of a Type II decision will be processed pursuant to the Type III appeal procedures in subsection (4) below.
- (4) **Appeal Process for a Type III Decision.** Within two days of acceptance of an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official. The Hearings Official will have full discretion to affirm, modify, or reverse the initial decision and to supplement findings as the Hearings Official deems necessary. When affirming, modifying, or reversing the initial decision, the Hearings Official must comply with one of the following provisions.
- (a) **Affirmation.** Within seven days of acceptance of the appeal by the Director, if the Hearings Official wishes to affirm the decision without further consideration, the Hearings Official must provide a written decision to this effect to the Director. The Director must mail written notice of the Hearings Official's decision to affirm the original decision to the appellant and other parties of record.
 - (b) **Reconsideration.** If the Hearings Official wishes to reconsider the decision, the Hearings Official must conclude that a final decision can be made by the County within the applicable time limit in LC 14.050(2). If the reconsideration will cause the final decision to not be made within the applicable time limit in LC 14.050(2) the Hearing Official cannot reconsider the decision. Reconsideration must comply with one of the following provisions.
 - (i) **On the Record.** If the reconsideration is limited to the existing record, then within seven days of the Director's acceptance of the appeal, the Hearings Official must prepare a reconsideration decision and supplemental findings and provide the reconsidered decision to the Director. Within two days of the decision, the Director must mail the reconsidered decision in conformance with the notice of decision requirements at LC 14.060.
 - (ii) **Brief of Additional Issues.** If the reconsideration is not limited to the existing record, and if the Hearings Official wishes to allow written materials to be submitted briefing limited issues, then the Hearings Official must:
 - (aa) Within seven days of acceptance of the appeal by the Director, request that

the Director mail notice to any person who qualifies as a party to the decision under reconsideration in conformance with LC 14.060(3)(c) above. The notice must disclose the limited issues to be addressed for the reconsideration and timelines for submittal of new materials and rebuttal by the applicant; and

- (bb) Within 14 days of the close of the hearing record, issue a decision and supplemental findings. The decision and findings must be mailed by the Director within two days of issuance to any person listed in LC 14.060(3)(c) above in conformance with the notice of decision procedures at LC 14.060.
- (iii) **Limited Hearing.** If the reconsideration is not limited to the existing record and if the Hearings Official wishes to reopen the record and to conduct a hearing to address limited issues then the Hearings Official must:

 - (aa) Within seven days of acceptance of the appeal by the Director, request that the Director mail notice to any person who qualifies as a party to the decision that is being reconsidered. The notice must be in conformance with LC 14.060 above. The conduct of the hearing will be in accordance with the applicable provisions of LC 14.070; and
 - (bb) Within 10 days of the close of the hearing record, issue a reconsideration decision and supplemental findings, and within this same time period, the Hearings Official must notify the Director to mail a copy of the decision and findings to people who qualify as a party to the application in conformance with notice of decision procedures at LC 14.060.
- (iv) If the Hearings Official elects to reconsider a decision without being requested to do so by an appellant, that appellant will not be required to pay a fee for a subsequent appeal of the Hearings Official decision on reconsideration.
- (v) **Appeal of Reconsidered Decisions.** Reconsidered decisions may be appealed to the Board within 12 days of the date that the decision is mailed pursuant to the procedures at LC 14.080(1) and subsection (c) below.
- (vi) **Timeline Waiver.** In the event a decision of the Hearings Official is being appealed by the applicant, if the applicant requests reconsideration by the Hearings Official, the applicant must first agree to a waiver or extension of timelines in LC 14.050(2), and such a waiver must be in addition to any other waivers already given.
- (c) **Elective Board Review Procedure.** An appeal of an affirmed or reconsidered Type III decision will be processed by the Board in accordance with the procedures below. If more than one appeal related to the same property is received and one of the appeals requests a hearing by the Board, then all appeals will be forwarded to the Board for determination consistent with subsection (i) below.

(i) Board Determination

- (aa)** The Board must determine whether or not they wish to hear the appeal, accept limited additional testimony, or conduct an on the record hearing for the appeal per LC 14.070.
- (bb)** After the determination made under subsection (aa) above, the Board must adopt a written decision and order electing to accept limited testimony, conduct a hearing on the record, or conduct a de novo hearing or declining to further review the appeal.
- (cc)** The Board order must specify the decision of the Board and must include findings addressing the applicable decision standards and criteria below.
- (dd)** If the Board's decision is to have a hearing on the record for the appeal, the Board order must specify the date for the on the record hearing and the parties who qualify to participate in the on the record hearing.

(ii) If the decision of the Board is to allow limited additional testimony and/or conduct an on the record hearing. The appeal proceedings must be conducted in accordance with LC 14.070(145).

(iv) Elect to Not Hear the Appeal. If the decision of the Board is to not hear the appeal, the Board order must expressly state whether or not the Board agrees with or elects to remain silent regarding any interpretations of the Lane County comprehensive plan policies or implementing ordinances made by the Hearings Official in the decision being appealed. The Board order must affirm the Hearing Official decision.

(v) Elective Review Decision Criteria. A decision by the Board to hear the appeal on the record or to conduct a de novo hearing must conclude that a final decision by the Board can be made within the applicable time limit and that the issue raised in the appeal to the Board could have been and was raised before the close of the record at or following the final evidentiary hearing. The Board's decision to hear the appeal must be based on a determination that the appeal meets one or more of the following criteria:

- (aa)** The issue is of countywide significance;
- (bb)** The issue will reoccur with frequency and there is a need for policy guidance;
- (cc)** The issue involves ~~a unique environmental~~ impacts to an inventoried Goal 5 resource; or
- (dd)** The Director or Hearings Official recommends review.

(vi) Record of the Hearing. The Board will consider only those materials contained in the

hearing record as provided in LC 14.070(21), except that in this context, the Hearings Official is the hearing authority.

(vii) Effective Date. If the Board elects to not conduct an on the record hearing on an appeal, the Hearing Official's decision will become the final decision of the County. A decision on any application appealed to the Board will become final upon signing of an order by the Board to not hear the appeal or order by the Board specifying the decision of an on the record hearing. The Director will mail notice of the Board order to parties of record upon receipt of the signed order. The notice of Board Order will state the provisions of subsection (5) below.

(5) Appeals of Final County Decision. Appeal of a Board decision under this chapter must be filed with Land Use Board of Appeals.

14.090 Limitations on Approved and Denied Applications.

An application reviewed pursuant to the provisions of this chapter is subject to the following limitations:

- (1)** The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The Director's failure to notify the applicant of any requirement or procedure of another agency will not invalidate a decision made under this chapter.
- (2) Vesting of Approval.** Approval of an application for which all rights of appeal have been exhausted cannot be invalidated or modified by subsequent revisions of Lane Code, unless specifically provided for otherwise in Lane Code or the conditions of approval.
- (3) Compliance with Conditions of Approval.** Compliance with conditions of approval and adherence to approved plans is required. Any departure from the conditions of approval and approved plans constitutes a violation of the applicable sections of Lane Code and may constitute grounds for revocation or suspension of the approval unless a modification of approval is approved as provided in subsection (4) below.
- (4) Modification of Approval.** An application for modification of approval must comply with the subsection (a) through (c) below.
 - (a)** An application for modification of approval must:
 - (i)** Be in writing on a form provided by the Director;
 - (ii)** Include the required application fee;
 - (iii)** Be received by the Director prior to the expiration of the approval time period to complete any conditions of approval of the decision for which modification is requested, where calculation of the expiration date includes any time extension approved per subsection (6) below;

(iv) Identify and address any standards or criteria that the original approval addressed; and

(v) Address compliance of the requested modifications with any applicable standards or criteria.

(b) The applicable standards and criteria for the final decision have not changed; and

(c) A decision on a modification of approval must be made by the same approval authority as the original final decision unless the original decision allows modification by a different approval authority.

(5) Expiration of Approvals

(a) A permit for a discretionary approval is valid for two years from the date of the final decision. Unless otherwise specified in the approval of an application or by other provisions of Lane Code, and except as provided for in (6) below, a discretionary decision, except for a land division, is void two years from the date of the final decision if the development action is not initiated in that period.

(b) A permit for a discretionary approval of residential development on agricultural or forest zoned land is valid for four years. Unless otherwise specified in the approval of an application or by another provision of Lane Code, and except as provided in (6) below, a discretionary decision, except for a land division, of proposed development other than on agricultural or forest land, is void four years from the date of the final decision if the development has not been initiated in that period. For the purpose of this section "residential development" only includes the dwellings provided for under ORS 215.213(3) and (4), 215.284, 215.705(1) to (3), 215.720, 215.740, 215.750, and 215.755(1) and (3) as implemented through Lane Code Chapter 16.

~~(e)~~—A land division decision is valid subject to Lane Code Chapter 13 except as provided in (6) below.

~~(d)(c)~~ Not all decisions have extension provisions in Lane Code and therefore, may not be able to be extended.

(6) **Extension of Approval Period.** The Director may grant a one year extension subject to the following requirements:

(a) Not all decisions have extension provisions in Lane Code and therefore, may not be able to be extended.

~~(a)(b)~~ Extensions must be submitted in writing on the form provided by the department;

~~(b)(c)~~ The application must be accompanied by the required fee;

~~(e)~~(d) The request for extension must be submitted prior to the expiration of the approval period;

(e) An initial one year extension period will be granted unless otherwise provided in the decision and except as provided in (f) below;

~~(d)~~(f) An extension of a permit described in subsection (5)(b) above is valid for two years;

~~(e)~~(g) Except as limited below, additional one year extensions beyond the initial ~~one-year~~ extension will be authorized by the director;

~~(f)~~(h) For proposed development on agricultural or forest land outside an urban growth boundary, Additional one year extensions, beyond the initial one-year extension, will be authorized where applicable standards and criteria for the decision have not changed;

(i) An extension cannot be submitted earlier than six months before the expiration date.:-

~~(g)~~(j) Approval of an extension granted under this section is a Type I decision, is not a land use decision, and is not subject to appeal as a land use decision.

(7) Revocation or Suspension of a Decision

(a) The Director may suspend or revoke a decision issued pursuant to this chapter for any reason listed in subsection (i) through (iv) below. When taking such action, the Director will notify the owner and/or applicant of the reason for the suspension or revocation and what steps, if any the applicant must take to remedy the reason for the Director's decision.

(i) The site has been developed in a manner not authorized by the approval of the application;

(ii) The approval has not been complied with;

(iii) The conditions of approval have not been completed;

(iv) The approval was secured with false or misleading information; or

~~(v)~~ The decision ~~on the application was~~ issued was based on an error in interpreting or applying the applicable approval criteria. In such instances a revocation or suspension may only be made:

(aa) During the time period that the approval is still valid;

(bb) Prior to finalization of all the conditions of approval; and

(cc) Prior to the expenditure of a substantial financial investment in the physical

development of the property.

- (b) The Director's decision to suspend or revoke a decision is appealable to the Hearings Official in the same manner as provided for in LC 14.080 for an appeal of a Type II decision. The appeal period will commence the day the Director mails notice to the owner and/or applicant of the Director's decision to suspend or revoke the decision. The notice must state that the owner and/or applicant has the right to appeal the Director's decision and what the procedure is for the applicant to appeal. If the Director elects to refer the matter to the Hearings Official under subsection (c) below, the Director must include in the notice to the owner and/or applicant that the matter has been referred to the Hearings Official and the steps the owner and/or applicant must take to contest the reasons for the suspension or revocation.
 - (c) The Director may initiate a review by the Hearings Official to suspend or revoke the issued decision in lieu of making the decision to suspend or revoke the decision. Hearings Official review will follow the procedure for processing of appeals of a Type II decision, and the Hearings Official may suspend or revoke a decision for one or more of the reasons specified in subsection (a) above. A Hearings Official's decision to suspend or revoke a decision is appealable to the Board in the same manner as provided for in LC 14.080 for appeals to the Board.
 - (d) If the reason for the suspension or revocation is remedied before the decision becomes final, by the expiration of the appeal time, or by the date of the hearing official hearing, then the suspension or revocation is void.
- (8) Limitations on Refiling Applications.** An application for which a substantially similar application relating to the same property or tract has been denied within the previous year will not be accepted. At the Director's discretion, an earlier refiling may be allowed if it can be demonstrated that the basis for the original denial has been eliminated.

Lane Code
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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)*~~

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 *(Revised by Ordinance No. 15-08, Effective 12.15.15)*

10.090 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)*

10.095 Districts.

In order to carry out the purpose and provisions of this chapter areas within the County may be classified in one or more of the following Districts:

	<u>Section</u>
EFU 20	EXCLUSIVE FARM USE 20 DISTRICT 10.100
NR	NATURAL RESOURCE DISTRICT 10.101
FM	FOREST MANAGEMENT DISTRICT 10.102
F-1	IMPORTANT FOREST LAND DISTRICT 10.103
F-2	FOREST LAND DISTRICT 10.104
F-F	20 FARM-FORESTRY 20 DISTRICT 10.105
A-1	IMPORTANT AGRICULTURAL LAND DISTRICT 10.106
A-2	AGRICULTURAL LAND DISTRICT 10.107
GR 10	GENERAL RURAL DISTRICT 10.108
AGT	AGRICULTURAL, GRAZING, TIMBER-RAISING DISTRICT 10.110
GR-I	GENERAL RURAL I DISTRICT 10.112
GR-II	GENERAL RURAL 11 DISTRICT 10.113
/R	RECREATIONAL DISTRICT 10.115
/IA	INTERIM AGRICULTURE COMBINING DISTRICT 10.120
/U	INTERIM URBANIZING COMBINING DISTRICT 10.122
PR	PUBLIC RESERVE DISTRICT 10.125
RR	RURAL RESIDENTIAL DISTRICT 10.130
RA	SUBURBAN RESIDENTIAL DISTRICT 10.135
R-1	SINGLE-FAMILY RESIDENTIAL DISTRICT 10.140
RG	GARDEN APARTMENT RESIDENTIAL DISTRICT 10.145
RP	RESIDENTIAL-PROFESSIONAL DISTRICT 10.150
CA	RURAL COMMERCIAL DISTRICT 10.154
C-1	LIMITED COMMERCIAL DISTRICT 10.155
C-2	NEIGHBORHOOD COMMERCIAL DISTRICT 10.160
C-3	COMMERCIAL DISTRICT 10.165
CT	TOURIST COMMERCIAL DISTRICT 10.166
M-1	LIMITED INDUSTRIAL DISTRICT 10.170
M-2	LIGHT INDUSTRIAL DISTRICT 10.175
M-3	HEAVY INDUSTRIAL DISTRICT 10.180
/SI	SPECIAL INDUSTRIAL COMBINING DISTRICT 10.181
MH	MOBILE HOME DISTRICT 10.185
AO	AIRPORT OPERATIONS DISTRICT 10.200
AV	AIRPORT VICINITY DISTRICT 10.201
SG	SAND, GRAVEL & ROCK PRODUCTS DISTRICT 10.205
SG/CP	SAND, GRAVEL & ROCK PRODUCTS - CONTROLLED PROCESSING DISTRICT 10.210
/QM	QUARRY AND MINE OPERATIONS COMBINING DISTRICT ... 10.220
NE	NATURAL ESTUARY DISTRICT 10.225
CE	CONSERVATION ESTUARY DISTRICT 10.230
DE	DEVELOPMENT ESTUARY DISTRICT 10.235
/SN	SIGNIFICANT NATURAL SHORELANDS COMBINING DISTRICT 10.240

/PW PRIME WILDLIFE SHORELANDS COMBINING DISTRICT 10.245
 /NRC NATURAL RESOURCES CONSERVATION
 COMBINING DISTRICT 10.250
 /RD RESIDENTIAL DEVELOPMENT SHORELANDS
 COMBINING DISTRICT 10.255
 /MD SHORELANDS MIXED DEVELOPMENT
 COMBINING DISTRICT 10.260
 /DMS DREDGE MATERIAL/MITIGATION SITE
 COMBINING DISTRICT 10.265
 /BD BEACHES AND DUNES COMBINING DISTRICT 10.270
 PUD PLANNED UNIT DEVELOPMENT SUB-DISTRICT 10.700
 CAD CONTRACT ZONING DISTRICT 10.710
(Revised by Ordinance 15-72, Effective 9.8.72; 13-73, 11.21.73 (4.17.74); 14-74, 12.27.74; 9-75, 7.2.75; 3-76, 4.7.76; 7-79, 7.11.79; 15-79, 12.1.79; 2-80, 6.13.80; 17-80, 8.6.80; 20-80, 11.14.80)

EXCLUSIVE FARM USE DISTRICT (EFU)

10.100-05 Purpose.

The Exclusive Farm Use District (EFU) is intended to provide areas for the continued practice of agriculture, to permit the establishment of only those new uses compatible to agricultural activities, to provide automatic farm use valuation for farms qualifying under the provisions of ORS Chapter 308, to be applied only in areas generally well suited for farming, to guarantee the preservation and maintenance of areas so classified, and is subject to change only in those instances where there is substantial evidence the land is no longer suitable for agriculture or there are significant changes in the land needs of the County. *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

10.100-10 Uses.

Within an EFU District only the following uses and buildings are permitted pursuant to the review process and criteria as specified in Table I below. The number opposite the proposed use under the column describing the land unit under consideration will indicate the appropriate review process described in LC 10.100-12.

Table I

Buildings & Uses	Land Unit (See LC 10.100-40)				
	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed					
(1) Farm uses (See "Farm Use" definition).	(1)	(1)	(1)	(1)	(1)
(2) Accessory buildings customarily provided in conjunction with a use permitted in this District.	(1)	(1)	(1)	(1)	(1)
(3) One single-family dwelling or one mobile home per land	(1)	(2) ¹	(3)	(4)	N/A

¹ If proposed on a parcel created under the review process specified at LC 10.100-12(7) or LC 10.100-12(8) below, the structure will be considered as a permitted use and not require approval as a special use.

Table I

Buildings & Uses

Land Unit
(See LC 10.100-40)

NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
unit in conjunction with a farm use as defined in this chapter.					
(4) One single-family dwelling or one mobile home per land unit used for persons employed on the premises in conjunction with a farm use.	(1)	(2) ²	(3) ³	N/A	N/A
(5) Mobile homes in addition to those permitted in (4) above for persons employed on the premises in conjunction with a farm use.	(11)	(11)	(11)	N/A	N/A
(6) One single-family dwelling or one mobile home per land unit not in conjunction with a farm use. Such use shall not be in addition to those permitted under (3), (4) and (5) above or (7) below.	(13)	(13)	(13)	(13)	(13) ⁴
(7) One single-family dwelling or one mobile home per land unit occupied by a relative whose assistance on the farm is or will be required by the farm operator.	(1)	(1)	(1)	(1)	N/A
(8) Public and semipublic buildings and structures rendering direct utility service to the public in local areas, such as fire stations, utility substations, electrical transmission facilities transmitting electric current 150,000 volts or less in any single cable or line or group of cables or lines, radio and TV receiving or broadcasting facilities, pump stations and wells; except commercial facilities for the purpose of generating power for public use by sale.	(1)	(1)	(1)	(1)	(1)

² See #1.

³ See #1.

⁴ If proposed on a parcel created under the review process specified at LC 10.100-12(10) below, the structure will be considered as a permitted use and not require approval as a special use.

Table I

Buildings & Uses	Land Unit (See LC 10.100-40)				
	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed					
(9) The keeping of dogs, accessory to a residence, provided the following conditions are satisfied. (a) The maximum number of dogs over four months of age shall be eight. (b) For more than three dogs over four months of age there shall be at least 5,000 square feet of lot area for each dog on the lot. (c) All dogs shall be owned by the property owners, except those temporarily kept for the purposes of breeding.	(1)	(1)	(1)	(1)	(1)
(10) Propagation or harvesting of a forest product.	(1)	(1)	(1)	(1)	(1)
(11) Churches.	(1)	(2) ⁵	(3)	N/A	(4)
(12) Public and private schools.	(1)	(2) ⁶	(3) ⁷	N/A	(4)
(13) Operations for the exploration of geothermal resources as defined by ORS 522.005	(1)	(1)	(1)	(1)	(1)
(14) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.	(5)	(5)	(5)	(5)	(5)
(15) Commercial activities that are in conjunction with a farm use.	(4)	(4)	(4)	(4)	N/A
(16) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.	(5)	(5)	(5)	(5)	(5)
(17) Private parks, playgrounds, hunting and fishing preserves, and campgrounds, including facilities for recreational vehicles, but specifically excluding mobile home parks.	(5)	(5)	(5)	(5)	(5)

⁵ See #1.

⁶ See #1.

⁷ See #1.

Table I

Buildings & Uses	Land Unit (See LC 10.100-40)				
	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed					
(18) Flood control or irrigation projects and facilities.	(12)	(12)	(12)	(12)	(12)
(19) Electrical generation facilities, canals, flumes, pipelines and similar facilities, including electrical transmission facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.	(12)	(12)	(12)	(12)	(12)
(20) Rock, sand, gravel or loam extraction and extraction provided:					
(a) Materials produced are for the sole use of the owner or operator and are not offered for sale or remuneration and are used in conjunction with a farm use.					
(b) Total excavation or extraction does not exceed 5,000 cubic yards annually.	(4)	(4)	(4)	(4)	N/A
(21) Exploration, mining and processing of aggregate or other mineral resources or other subsurface resources which exceed the requirements for a special use as provided for in (19) above.	(5)	(5)	(5)	(5)	(5)
(22) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in ORS 215.213(2)(g).	(12)	(12)	(12)	(12)	(12)
(23) Feedlots.	(5)	(5)	(5)	(5)	(5)
(24) Minor Rural Home Occupations (see LC 10.342-05 through 10.342-25) provided, however, such activity is conducted exclusively by the residents and is within a dwelling allowed under (3), (4) or (5) above or is within accessory buildings that have a primary function of supporting farming practices.	(11)	(11)	(11)	(11)	N/A

Table I

Buildings & Uses	Land Unit (See LC 10.100-40)				
	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed					
(25) Major Rural Home Occupations (see LC 10.342-05 through 10.342-25) provided, however, such activity is conducted exclusively by the residents and is within a dwelling allowed under (3), (4) or (5) above or is within accessory buildings that have a primary function of supporting farming practices.	(12)	(12)	(12)	(12)	N/A
(26) Golf courses.	(12)	(12)	(12)	(12)	(12)
(27) Temporary or portable sawmills, barkers and chippers. Such a use may be approved for a one-year period which is renewable. These facilities are intended for primary processing of a forest product. Forest products means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.	(11)	(11)	(11)	(11)	(11)
(28) Boarding of horses for profit.	(12)	(12)	(12)	(12)	(12)
(29) 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.	(12)	(12)	(12)	(12)	(12)
(30) Land Divisions.	(11)	(11)	(11)	(11)	(11)
(31) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).	(6)	(7)	(8)	(9)	(10) ⁸
(32) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).	(1)	(1)	(1)	(1)	(1)
	(11)	(11)	(11)	(11)	(11)

(Revised by Ordinance 13-72, Effective 7.21.72; 1-74, 3.6.74; 9-75, 7.2.75; 3-76, 4.7.76; 5-81, 4.8.81; 1-82, As Amended, 4.16.82; 10-04, 6.4.04)

⁸ See #1.

10.100-12 Review Process.

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.
 - (a) Subject to approval of the Planning Director as provided in LC 10.316, and
 - (b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10 but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.
- (3) Special Use.
 - (a) Subject to approval of the Planning Director as provided in LC 10.316, and
 - (b) The subject property although smaller in size than other commercial farm units in the immediate area.
 - (i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and
 - (ii) Will contribute in a substantial way to the agricultural economy of the County, and
 - (iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.
- (4) Special Use.
 - (a) Subject to approval of the Planning Director as provided in LC 10.316, and
 - (b)
 - (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).
 - (ii) Is consistent with the purpose of ORS 215.243.
 - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
 - (iv) Does not materially alter the stability of the overall land use pattern of the area.
 - (v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.
 - (vi) Will not be adversely affected by natural hazards, such as floods, slides and erosion.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).
- (5) Special Use.
 - (a) Subject to approval of the Hearings Official as provided in LC 10.317, and
 - (b)
 - (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).
 - (ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(6) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

(8) Subject to approval of the Land Development Review Chairman (Planning Director) as provided in LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(vi) Does not materially alter the stability of the overall land use pattern of the area.

(b) The subject property, although smaller in size than other commercial farm units in the immediate area:

(i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

Findings of compliance with these criteria shall be deemed as complying with ORS 215.243.

(9) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

- (ii) Is consistent with the purpose of ORS 215.243.
- (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
- (iv) Does not materially alter the stability of the overall land use pattern of the area.
- (b) (i) Agricultural land will be maintained as a natural and economic asset.
- (ii) There will be no intrusion into the block of agricultural land surrounding the subject property.
- (iii) There will be no urban development.
- (iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

- (c) (i) The parcel to be divided is marginal agricultural land.
- (ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.
- (iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.
- (iv) Most farming operations in the area are on farms of the size proposed by the division.
- (v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

(10) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13.

- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
- (ii) Is consistent with the purpose of ORS 215.243.
- (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
- (iv) Does not materially alter the stability of the overall land use pattern of the area.
- (v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

- (b) (i) Agricultural land will be maintained as a natural and economic asset.
- (ii) There will be no intrusion into the block of agricultural land surrounding the subject property.
- (iii) There will be no urban development.
- (iv) The owners of property will be encouraged to maintain the exclusive farm use zone.

(c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

- (11) Special Use.

(a) Subject to approval of the Planning Director as provided in LC 10.316, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

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

(12) Special Use.

(a) Subject to approval of the Hearings Official as provided in LC 10.317, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

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

(13) Special Use.

(a) Subject to approval of the Planning Director as provided in LC 10.316, and

(b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of the Zoning District and ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

10.100-20 Conflicting Provisions.

No provision of this section shall be construed to authorize any use included within the definition of farm use or specially authorized as a non-farm use in ORS 215.203 and 215.213. *(Revised by Ordinance 13-72, Effective 7.21.72)*

10.100-23 Setback Requirements.

(Also see LC 10.300-15 and 15.065 - .095)

- (1) Front yard setback shall be 20 feet.
- (2) Side yard setback shall be as follows:
 - (a) Interior yard -- 15 feet for a main building; five feet for an accessory building or structure.
 - (b) Street side yard -- 20 feet.
- (3) Rear yard setback shall be 20 feet for a main building; five feet for an accessory building or structure. *(Revised by Ordinance 13-72, Effective 7.21.72; 6-75, 3.26.75; 3-76, 4.7.76)*

10.100-30 Land Division Requirements.

Land within the EFU District shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

- (1) Land division shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.010(9) is expressly prohibited.
- (2) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.100-10(2). *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

10.100-40 Land Units.

For purposes of using Table I (LC 10.100-10), the following shall apply:

- (1) Commercial Farm Unit is a contiguous ownership meeting the area requirements of LC 10.360-10.
- (2) Special Commercial Farm Unit I is a contiguous ownership meeting the area requirements set forth in LC 10.100-12(2).
- (3) Special Commercial Farm Unit II is a contiguous ownership meeting the area requirements set forth in LC 10.100-12(3).
- (4) Farm Unit is any contiguous ownership used for farm use as defined by this chapter and not meeting the requirements of LC 10.100-40(1), (2) or (3) above.
- (5) Non-farm Unit is any parcel of land not used for farm purposes as defined by this chapter. *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

10.100-45 Nonconforming Uses and Use of Preexisting Parcels.

(1) A legally established non-farm use existing at the time zone is applied and is unintentionally destroyed by fire, other casualty or natural disaster may be reestablished to its previous nature and extent, but the reestablishment shall meet all building, plumbing, sanitation, State Building Code and LC Chapter 15, Setback Requirements.

(2) If a preexisting parcel meets the minimum area requirements of this section for a commercial farm parcel, uses may be established as provided in this section.

(3) Except as provided in LC 10.100-45(1) above, if a preexisting parcel does not meet the minimum area requirements of this section for a commercial farm parcel, the parcel is deemed a non-farm lot and any proposed single-family dwelling, mobile home and accessory building shall be deemed a non-farm use. Any other use listed in LC 10.100-10 above may be established in accordance with procedures and criteria in LC 10.100-10. *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

10.100-50 Applications.

Any application submitted for review under this section must state which land unit and review process is applicable. Failure to meet the applicable criteria and standards shall result in denial of the application. Consideration of the request under different criteria (i.e. those applicable to a different land unit) shall be only upon the submission of a new application. The provisions of LC 10.316-90, 10.317-95 or 10.318-95 shall not apply to re-submission of an application under such circumstances. *(Revised by Ordinance No. 1-82 As Amended, Effective 4.16.82)*

10.100-95 Telecommunication Towers.

Notwithstanding the requirements in LC 10.100-05 through -50 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

PAGES 10-65 THROUGH 10-100
ARE RESERVED FOR FUTURE EXPANSION

**PROPOSED AMENDMENTS TO LANE CODE CHAPTER 10
 TO UPDATE REFERENCES TO CHAPTER 14
 (FILE NO. 509-PA16-05492)**

Lane Code Citation	Existing Language	Proposed Amendment(s)
10.103-15	The following uses are subject to approval by the Director pursuant to LC 14.100.	The following uses are subject to approval by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14.
10.103-20	The following uses are subject to approval by the Hearings Official pursuant to LC 14.300.	The following uses are subject to approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
10.104-15	The following uses subject to approval by the Director pursuant to LC 14.100:	The following uses subject to approval by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14:
10.104-20	The following uses, and no others, subject to approval by the Hearings Official pursuant to LC 14.300.	The following uses, and no others, subject to approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
10.106-12(2)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.106-12(3)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.106-12(4)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.106-12(5)(a)	Subject to approval of the Hearings Official pursuant to LC 14.300, and	Subject to approval of the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 , and
10.106-12(11)(a)	Subject to Director approval pursuant to LC 14.100, and	Subject to Director approval pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.106-12(12)(a)	Subject to approval of the Hearings Official pursuant to LC 14.100, and	Subject to approval of the Hearings Official pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.106-12(13)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.107-12(2)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.107-12(3)(a)	Subject to approval of the Planning Director	Subject to approval of the Planning Director pursuant to LC

	pursuant to LC 14.100, and	14.100 Type II procedures of LC Chapter 14 , and
10.107-12(4)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.107-12(5)(a)	Subject to approval of the Hearings Official pursuant to LC 14.300, and	Subject to approval of the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 , and
10.107-12(11)(a)	Subject to approval of the Director pursuant to LC 14.100, and	Subject to approval of the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.107-12(12)(a)	Subject to approval of the Hearings Official pursuant to LC 14.300, and	Subject to approval of the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 , and
10.107-12(13)(a)	Subject to approval of the Planning Director pursuant to LC 14.100, and	Subject to approval of the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and
10.112-15(1)	The following uses subject to approval by the Planning Director pursuant to LC 14.100:	The following uses subject to approval by the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 :
10.112-20(1)	The following uses subject to approval by the Hearings Official pursuant to LC 14.300:	The following uses subject to approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 :
10.113-15(1)	The following uses subject to approval by the Planning Director pursuant to LC 14.100:	The following uses subject to approval by the Planning Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 :
10.113-20(1)	The following uses subject to approval by the Hearings Official pursuant to LC 14.300:	The following uses subject to approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 :
10.122-13	All buildings and uses subject to the approval of the Planning Director, pursuant to LC 14.100, in the respective district with which the /U District is combined, except as herein specifically modified.	All buildings and uses subject to the approval of the Planning Director, pursuant to LC 14.100 Type II procedures of LC Chapter 14 , in the respective district with which the /U District is combined, except as herein specifically modified.
10.122-14	All buildings and uses subject to the approval of the Hearings Official, pursuant to LC 14.300, in the respective district with which the /U District is combined, except as herein specifically modified.	All buildings and uses subject to the approval of the Hearings Official, pursuant to LC 14.300 Type III procedures of LC Chapter 14 , in the respective district with which the /U District is combined, except as herein specifically modified.
10.181-15	The following uses are subject to approval by the Director pursuant to LC 14.100.	The following uses are subject to approval by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 .
10.181-20	The following uses are subject to approval by the	The following uses are subject to approval by the Hearings

	Hearings Official pursuant to LC 14.300:	Official pursuant to LC 14.300 Type III procedures of LC Chapter 14:
10.182-20	The following uses area subject to approval by the Hearings Official pursuant to LC 14.300.	The following uses area subject to approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
10.183-15	The following uses are subject to approval by the Director pursuant to LC 14.100, and are also subject to approval by the adjacent city according to LC 10.183-30 below.	The following uses are subject to approval by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14, and are also subject to approval by the adjacent city according to LC 10.183-30 below.
10.183-20	The following uses are subject to approval by the Hearings Official pursuant to LC 14.300 and are also subject to approval by the adjacent city according to LC 10.183-30 below.	The following uses are subject to approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and are also subject to approval by the adjacent city according to LC 10.183-30 below.
10.205-81(2)	Variances. Variances to dimensional standards such as setbacks and slope ratios within this district are subject to approval by the Director pursuant to LC 14.100 and must conform to the following criteria:	Variances. Variances to dimensional standards such as setbacks and slope ratios within this district are subject to approval by the Director pursuant to LC 14.100 Chapter 14 and must conform to the following criteria:
10.210-20(2)(a)(i)	The Review Committee shall follow LC 14.100 when approving, modifying or denying plans. Decisions by the Review Committee pursuant to LC 14.100 may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.	The Review Committee shall follow LC 14.100 Chapter 14 when approving, modifying or denying plans. Decisions by the Review Committee pursuant to LC 14.100 may be appealed in the same manner as provided for in LC 14.500 Chapter 14 for appeals of decisions by the Director.
10.230-15	The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in LC 14.150 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 230-25, and the purpose of the NE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.230-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.	The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the Type II limited land use procedures set forth in LC 14.150 LC Chapter 14 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 230-25, and the purpose of the NE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.230-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

10.230-20	The Hearings Official, subject to the procedures and conditions set forth in LC 14.300, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.230-25, and the purpose of the NE-FCP Zone, and upon satisfaction of the all of the applicable criteria in LC 10.230-30 and below. A Resource Capability Assessment is required as set forth in LC 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.	The Hearings Official, subject to the procedures and conditions set forth in LC 14.300 Type III procedures of LC Chapter 14 , may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.230-25, and the purpose of the NE-FCP Zone, and upon satisfaction of the all of the applicable criteria in LC 10.230-30 and below. A Resource Capability Assessment is required as set forth in LC 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.
10.235-15	The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in LC 14.150 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.235-25, and the purpose of the CE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.235-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.	The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the Type II limited land use procedures set forth in LC 14.150 LC Chapter 14 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.235-25, and the purpose of the CE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.235-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.
10.235-20	The Hearings Official, subject to the procedures and conditions set forth in LC14.300, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in 10.235-25, and the purpose of the CE-FCP Zone, and upon satisfaction of all of the applicable criteria in LC 10.235-30 and -35. A Resource Capability Assessment is required as set forth in10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in 10.225-15.	The Hearings Official, subject to the procedures and conditions set forth in LC14.300 Type III procedures of LC Chapter 14 , may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in 10.235-25, and the purpose of the CE-FCP Zone, and upon satisfaction of all of the applicable criteria in LC 10.235-30 and -35. A Resource Capability Assessment is required as set forth in10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in 10.225-15.

10.245-15	The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 provided all criteria below and the requirements set forth in LC 10.245-30, -35, and -40 are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14 days to review and comment on the impact of development on critical habitats and will request suggestions concerning ways to avoid or mitigate identified adverse impacts.	The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the Type II limited land use procedures set forth in Lane Code 14.150 LC Chapter 14 and provided all criteria below and the requirements set forth in LC 10.245-30, -35, and -40 are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14 days to review and comment on the impact of development on critical habitats and will request suggestions concerning ways to avoid or mitigate identified adverse impacts.
10.245-20	The Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in LC 10-245-30 and -35 below are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14-days to review and comment on the impact of development on critical habitats and request suggestions concerning ways to avoid or mitigate identified adverse impacts.	The Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300 Type III procedures of LC Chapter 14 , may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in LC 10-245-30 and -35 below are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14-days to review and comment on the impact of development on critical habitats and request suggestions concerning ways to avoid or mitigate identified adverse impacts.
10.250-15	In addition to the Special Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 upon satisfaction of the applicable criteria set forth in LC 10.250-30 and -35, except as expressly exempted below and except as expressly prohibited by LC 10-250-25, and provided they are consistent with the requirements of the adjacent Estuary Zone.	In addition to the Special Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the Type II limited land use procedures set forth in Lane Code 14.150 of LC Chapter 14 and upon satisfaction of the applicable criteria set forth in LC 10.250-30 and -35, except as expressly exempted below and except as expressly prohibited by LC 10-250-25, and provided they are consistent with the requirements of the adjacent Estuary Zone.
10.250-20	In addition to the Conditional Uses specifically allowed in the adjacent Estuary Zone, the Hearings	In addition to the Conditional Uses specifically allowed in the adjacent Estuary Zone, the Hearings Official, subject to the

	Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in LC 10.250-30 and -35 are met and they are found to be are consistent with the requirements of the adjacent Estuary Zone.	procedures and conditions set forth in Lane Code 14.300 Type III procedures of LC Chapter 14 , may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in LC 10.250-30 and -35 are met and they are found to be are consistent with the requirements of the adjacent Estuary Zone.
10.255-15	In addition to Special Uses specifically allowed in the adjacent Estuary Zone, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30. In addition, uses and buildings permitted in the base zone where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in LC 10.255-25 and -30 ,are subject to the following criteria:	In addition to Special Uses specifically allowed in the adjacent Estuary Zone, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Lane Code 14.150 Type II limited land use procedures of LC Chapter 14 , upon affirmative findings of consistency with all of the requirements of an adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30. In addition, uses and buildings permitted in the base zone where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in LC 10.255-25 and -30 ,are subject to the following criteria:
10.255-20	In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted, subject to approval by the Hearings Official. The Hearings Official, subject to the procedures and conditions set forth in LC 14.300, may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 and upon satisfaction of all applicable criteria.	In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted, subject to approval by the Hearings Official. The Hearings Official, subject to the procedures and conditions set forth in LC 14.300 Type III procedures of LC Chapter 14 , may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 and upon satisfaction of all applicable criteria.
16.260-25	In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone and in the Coastal	In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone and in the Coastal Combining Zone, the

	Combining Zone, the Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300, may grant a Conditional Use Permit for temporary uses permitted outright or conditionally in the base zone when found to be consistent with the requirements of the Coastal Combining Zone and adjacent Estuary Zone and the criteria below.	Hearings Official, subject to the procedures and conditions set forth in Lane Code 14.300 Type III procedures of LC Chapter 14 , may grant a Conditional Use Permit for temporary uses permitted outright or conditionally in the base zone when found to be consistent with the requirements of the Coastal Combining Zone and adjacent Estuary Zone and the criteria below.
10.271-25	Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, recreational vehicles as provided for by this section, and "development" as defined in LC 10.271-27. Application for approval shall be filed with the Department pursuant to LC 14.050.	Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, recreational vehicles as provided for by this section, and "development" as defined in LC 10.271-27. Application for approval shall be filed with the Department pursuant to LC 14.050 pursuant to Type I procedures of LC Chapter 14.
10.271-30(10)	Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the hearings official as provided in LC 14.500.	Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the hearings official as provided in LC 14.500 LC 14.080 notwithstanding LC 14.080(1)(a).
10.315-35(3)	By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.	By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050 pursuant to Type III procedures of LC Chapter 14.
10.315-57	Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.	Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300 pursuant to Type III procedures of LC Chapter 14.
10.315-65(2)	A site plan shall be required as provided in this chapter for Site Review Permits and shall be binding upon the property. Upon approval of the Order of Intent by the Hearings Official or Board, the property under these provisions shall be plainly marked as "SR" on map attached as an exhibit to the Order and	A site plan shall be required as provided in this chapter for Site Review Permits and shall be binding upon the property. Upon approval of the Order of Intent by the Hearings Official or Board, the property under these provisions shall be plainly marked as "SR" on map attached as an exhibit to the Order and on the Zoning Map. Any approved site plan may be

	on the Zoning Map. Any approved site plan may be amended or it may be released from the restrictions of such site plan by application to and approval by the Hearings Official pursuant to LC 14.300. No other changes shall be made constituting a departure from the approved site plan except by amendment or release as herein provided.	amended or it may be released from the restrictions of such site plan by application to and approval by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 . No other changes shall be made constituting a departure from the approved site plan except by amendment or release as herein provided.
10.315-65(3)	The fulfillment of all conditions, stipulations and limitations contained in the Order of Intent on the part of the applicant shall make the Order a binding commitment upon Lane County. Upon completion of compliance action required by the Order of Intent, the applicant shall make application, pursuant to LC 14.050, for effectuation of the zoning. Determination that the conditions of the Order of Intent have been met shall be pursuant to a routine administrative action by the Director. If the applicant has completed the necessary compliance action required by the Order of Intent, the Director shall approve the application and effectuate the zoning by Administrative Order.	The fulfillment of all conditions, stipulations and limitations contained in the Order of Intent on the part of the applicant shall make the Order a binding commitment upon Lane County. Upon completion of compliance action required by the Order of Intent, the applicant shall make application, pursuant to LC 14.050 Type II procedures of LC Chapter 14 , for effectuation of the zoning. Determination that the conditions of the Order of Intent have been met shall be pursuant to a routine administrative action by the Director. If the applicant has completed the necessary compliance action required by the Order of Intent, the Director shall approve the application and effectuate the zoning by Administrative Order.
10.315-65(4)	One extension of the two-year time period to complete the compliance action required by the Order of Intent may be applied for by the applicant through submitting an application for an extension of the Order of Intent. The application shall be reviewed by the Director pursuant to LC 14.100, and may be approved if it complies with the following criteria.	One extension of the two-year time period to complete the compliance action required by the Order of Intent may be applied for by the applicant through submitting an application for an extension of the Order of Intent. The application shall be reviewed by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , and may be approved if it complies with the following criteria.
10.320-35	Application for a Conditional Use Permit may be made by any person as provided in LC 14.050.	Application for a Conditional Use Permit may be made by any person as provided in LC 14.050 pursuant to Type III procedures of LC Chapter 14 .
10.320-55	Applications for Conditional Use Permits shall be heard by the Hearings Official pursuant to LC 14.300.	Applications for Conditional Use Permits shall be heard by the Hearings Official pursuant to LC 14.300 Type III procedures of

		LC Chapter 14.
10.322-25	Application for a Greenway Development Permit shall be made as provided by LC 14.050 and reviewed by the Hearings Official as provided by LC 14.300.	Application for a Greenway Development Permit shall be made, as provided by LC 14.050 and reviewed by the Hearings Official, as provided by LC 14.300 pursuant to Type III procedures of LC Chapter 14.
10.325-35	Application for a Temporary Permit shall be made as provided by LC 14.050.	Application for a Temporary Permit shall be made as provided by LC 14.050 pursuant to Type III procedures of LC Chapter 14.
10.325-55	Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to LC 14.300.	Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
10.330-35	Application for a Variance shall be made as provided by LC 14.050.	Application for a Variance shall be made as provided by LC 14.050 pursuant to Type II procedures of LC Chapter 14.
10.330-50	Applications for Variances shall be reviewed by the Director pursuant to LC 14.100.	Applications for Variances shall be reviewed by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14.
10.335-35	Application for a Site Review shall be made as provided by LC 14.050.	Application for a Site Review shall be made as provided by LC 14.050 pursuant to Type II procedures of LC Chapter 14.
10.335-50	Applications for Site Reviews shall be reviewed by the Director pursuant to LC 14.100.	Applications for Site Reviews shall be reviewed by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14.
10.350-35	Application for a Special Exception shall be made as provided by LC 14.050.	Application for a Special Exception shall be made as provided by LC 14.050 pursuant to Type II procedures of LC Chapter 14.
10.350-50	Applications for Special Exceptions shall be reviewed by the Director pursuant to LC 14.100.	Applications for Special Exceptions shall be reviewed by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14.
10.370-05(2)	The procedure for issuance of the Permit shall be as set forth in LC 14.100.	The procedure for issuance of the Permit shall be as set forth in LC 14.100 in accordance with Type II procedures of LC Chapter 14.
10.400-15	A new or replacement telecommunication facility may be allowed provided: an application is submitted for Director approval pursuant to LC 14.050, the application complies with the requirements specified in LC 10.400-15 through -50	A new or replacement telecommunication facility may be allowed provided: an application is submitted for Director approval pursuant to LC 14.050 Type III procedures of LC Chapter 14 , the application complies with the requirements specified in LC 10.400-15 through -50 below, and provided

	<p>below, and provided the application is approved pursuant to the requirements of LC 14.300 for a hearing with the Director. Notice of the hearing shall be provided pursuant to the requirements of LC Chapter 14 and to the owners of property within one half-mile radius of the exterior boundaries of the subject property and any property contiguous to and in the same ownership as the subject property. Maintenance and repair of lawfully (per LC Chapter 10) existing uses and development is considered a permitted use.</p>	<p>the application is approved pursuant to the requirements of LC 14.300 Type III procedures of LC Chapter 14 for a hearing with the Director. Notice of the hearing shall be provided pursuant to the requirements of LC Chapter 14 and to the owners of property within one half-mile radius of the exterior boundaries of the subject property and any property contiguous to and in the same ownership as the subject property. Maintenance and repair of lawfully (per LC Chapter 10) existing uses and development is considered a permitted use.</p>
10.400-15	<p>The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting to property owners and tenants living on property that would otherwise be notified pursuant to the requirements of LC 14.100 and to the applicable community organization recognized by the Lane County Board of Commissioners in Lane Manual 3.513 within the area in which the proposed site is located. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.</p>	<p>The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting to property owners and tenants living on property that would otherwise be notified pursuant to the requirements of LC 14.100 LC 14.060 for a Type III hearing and to the applicable community organization recognized by the Lane County Board of Commissioners in Lane Manual 3.513 within the area in which the proposed site is located. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.</p>
10.400-20	<p>Collocation of a telecommunications facility on an existing structure or building is not subject to the land use application and approval provisions of LC 10.400-15 above. However, collocation of a new or replacement telecommunication facility may be</p>	<p>Collocation of a telecommunications facility on an existing structure or building is not subject to the land use application and approval provisions of LC 10.400-15 above. However, collocation of a new or replacement telecommunication facility may be allowed provided a prior land use application</p>

	allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The application for collocation may be allowed provided the requirements in LC 10.400-20(1) and (2) below are met.	is submitted and approved pursuant to LC 14.050 and approved pursuant to LC 14.100 Type II procedures of LC Chapter 14 . The application for collocation may be allowed provided the requirements in LC 10.400-20(1) and (2) below are met.
10.700-505	Applications for Preliminary approval shall be made by the owner(s) of all property included in the Planned Unit Development, or his or her authorized agent, and shall meet the requirements of LC 14.050. The Application shall also indicate all owners of record, contract purchasers holders of options and proposed developers. Preliminary Planned Unit Development Applications shall be accompanied by the filing fee as required by this chapter to defray the cost of processing the Application, and shall include the following:	Applications for Preliminary approval shall be made by the owner(s) of all property included in the Planned Unit Development, or his or her authorized agent, and shall meet the requirements of LC 14.050 pursuant to Type II procedures of LC Chapter 14 . The Application shall also indicate all owners of record, contract purchasers holders of options and proposed developers. Preliminary Planned Unit Development Applications shall be accompanied by the filing fee as required by this chapter to defray the cost of processing the Application, and shall include the following:
10.700-510(1)	Applications for approval of Preliminary Planned Unit Developments shall be reviewed by the Director pursuant to LC 14.100.	Applications for approval of Preliminary Planned Unit Developments shall be reviewed by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 .
10.700-510(3)(d)	After review of an application for an extension, the Director shall mail to the applicant a written notice of the decision to approve or deny the extension. The Director's decision may be appealed by the applicant in the manner provided by LC 14.500 for appeals of decisions by the Director pursuant to LC 14.100.	After review of an application for an extension, the Director shall mail to the applicant a written notice of the decision to approve or deny the extension. The Director's decision may be appealed by the applicant in the manner provided by LC 14.500 LC 14.080 for appeals of decisions by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 .
10.700-610(2)	All conditions of preliminary approval imposed by the Approval Authority have been met. Approval or denial by the Director shall be made by the Director within 30 days of acceptance of the final application, shall be in writing and mailed to the applicant, and may be appealed by the applicant pursuant to LC 14.500 for appeals to the Hearings	All conditions of preliminary approval imposed by the Approval Authority have been met. Approval or denial by the Director shall be made by the Director within 30 days of acceptance of the final application, shall be in writing and mailed to the applicant, and may be appealed by the applicant pursuant to LC 14.500 LC 14.080 for appeals to the Hearings Official.

	Official.	
10.700-650	Notwithstanding any other provision of LC 14.700, an application for final PUD approval may be accepted and reviewed pursuant to LC 10.700-510 and LC 10.700-605 even though preliminary PUD approval was granted prior to July 1, 1983, provided preliminary approval for the PUD has not expired.	Notwithstanding any other provision of LC 14.700 LC 14.090 , an application for final PUD approval may be accepted and reviewed pursuant to LC 10.700-510 and LC 10.700-605 even though preliminary PUD approval was granted prior to July 1, 1983, provided preliminary approval for the PUD has not expired.

**PROPOSED AMENDMENTS TO LANE CODE CHAPTER 16
 TO UPDATE REFERENCES TO CHAPTER 14
 (FILE NO. 509-PA16-05492)**

Lane Code Citation	Existing Language	Proposed Amendment(s)
16.005(4)(g)	Director Approval. The proposed uses or activities identified in the habitat protection plan shall be reviewed by the Director pursuant to LC 14.100 and shall be allowed if in conformance with the following approval criteria:	Director Approval. The proposed uses or activities identified in the habitat protection plan shall will be reviewed by the Director pursuant to LC 14.100 using Type II procedures of LC Chapter 14 and shall be allowed if in conformance with the following approval criteria:
16.090	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.	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.
16.100(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).	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) 070(5) .
16.210(2)(l)(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	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

	pursuant to LC 14.500.	14.500. This use is allowed subject to prior submittal and approval a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.
16.210(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.	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 subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. 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.
16.210(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:	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 subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and provided the requirements in LC 16.210(5) below are met:
16.210(6)(a)(v)	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);	Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii) LC 14.090(6)(e) , 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) LC 14.090(6);
16.210(6)(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	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 and approval of an application-pursuant to LC 14.050 Type II procedures of LC Chapter 14, 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

	Chapter 16, LC 16.210(7) below and with these requirements:	LC Chapter 16, LC 16.210(7) below and with these requirements:
16.210(6)(b)(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);	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) LC 14.090(6)(e) , 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) LC 14.090(6)
16.211(2)	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.	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) pursuant to Type II procedures of LC Chapter 14. 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.
16.211(2)(h)	Caretaker residences for public parks and public fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit	Caretaker residences for public parks and public 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).	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) LC 14.090(6)(e) , 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) LC 14.090(6) .
16.211(2)(o)(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.	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. This use is allowed subject to prior submittal and approval a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.
16.211(3)	Special Uses - Director Review. The uses in LC 16.211(3)(a) through (g-g) 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 (g-g) 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....	Special Uses - Director Review. The uses in LC 16.211(3)(a) through (g-g) 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 (g-g) 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. is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.
16.211(4)(a)(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	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) LC 14.090(6)(e) , 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

	approved pursuant to LC 14.700(2);	to LC 14.700(2) LC 14.090(6) ;
16.211(4)(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:	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 and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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:
16.211(4)(b)(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);	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) LC 14.090(6)(e) , 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) LC 14.090(6) ;
16.211(5)	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.	One single-family dwelling is allowed subject to prior submittal and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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.
16.211(5)(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	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) LC 14.090(6)(e) , 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).	approved pursuant to LC 14.700(2) LC 14.090(6) .
16.211(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.	Lot of Record Dwelling. One single family dwelling is allowed subject to prior submittal and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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.
16.211(6)(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).	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) LC 14.090(6)(e) , 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) LC 14.090(6) .
16.211(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.	Large Tract Dwelling. One single family dwelling is allowed subject to prior submittal and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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.
16.211(7)(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)(e) above may be made and approved pursuant to LC 14.700(2).	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) LC 14.090(6)(e) , an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(e) above may be made and approved pursuant to LC 14.700(2) LC 14.090(6) .
16.212(3)	Permitted Uses. In the E-RCP Zone, the following uses	Permitted Uses. In the E-RCP Zone, the following uses and

	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.	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. pursuant to Type II procedures of LC Chapter 14.
16.212(3)(z)(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.	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. This use is allowed subject to prior submittal and approval a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.
16.212(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.	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 subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.
16.212(4)(p)(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	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) LC 14.060 at least 20 days in advance of any administrative

	administrative decision or initial public hearing on the applications.	decision or initial public hearing on the applications.
16.212(5)(a)(vii)	The approval described in LC 16.212(5)(a) above is not subject to LC 14.700 and does not expire.	The approval described in LC 16.212(5)(a) above is not subject to LC 14.700 LC 14.090 and does not expire.
16.212(5)(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:	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 and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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:
16.212(5)(b)(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.	Land use approval of a decision described in LC 16.212(2)(b) above is not subject to LC 14.700 LC 14.090 and does not expire.
16.212(5)(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:	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 and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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:
16.212(5)(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,	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 and approval of an application pursuant to LC 14.050 Type II

	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:	procedures of LC Chapter 14, 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:
16.212(5)(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:	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 and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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:
16.212(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.	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 and approval of an application pursuant to LC 14.050 Type II procedures of LC Chapter 14 , 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.
16.212(6)(c)(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).	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) LC 14.090(6)(e) , 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) LC 14.090(6) .

16.212(d)(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).	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) LC 14.090(6)(e) , 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) LC 14.090(6) .
16.212(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...	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 and approval 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... Type II procedures of LC Chapter 14
16.212(7)(f)(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	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) LC 14.090(6)(e) , 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) LC 14.090(6) ; and
16.212(7)(g)(v)	Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;	Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160 LC 14.060(c) ;
16.212(7)(g)(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	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) LC 14.090(6)(e) , an application for a two year extension of the timelines for the permit approval

	the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and	described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2) LC 14.090(6) ; and
16.212(12)(a)(iii)(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 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 The 5 year permit may be issued subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.
16.212(12)(a)(iii)(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.	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 requested and approved through an application pursuant to Type II procedures of LC Chapter 14.
16.212(12)(b)(iii)(aa)(D)	Application is submitted pursuant to LC 14.050, subject to review and notice pursuant LC 14.100.	Application is submitted and approved pursuant to LC 14.050, subject to review and notice pursuant LC 14.100. Type II procedures of LC Chapter 14.
16.213(3)	Special Uses - Director Approval. The following uses are subject to approval by the Director pursuant to LC 14.100:	Special Uses - Director Approval. The following uses are subject to approval by the Director pursuant to LC 14.100: prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14:
16.213(4)	Special Uses - Hearings Official Approval. The following uses are subject to approval by the Hearings Official pursuant to LC 14.300:	Special Uses - Hearings Official Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter

		14:
16.214(3)	Uses Subject to Director Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, and approval of the application pursuant to LC 14.100 and compliance with the criteria and provisions of this Chapter of Lane Code.	Uses Subject to Director Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, and approval of the application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and compliance with the criteria and provisions of this Chapter of Lane Code.
16.214(5)	Uses Subject to Hearings Official Approval. The following uses are per-mitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are per-mitted subject to prior submittal and approval of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:
16.215(3)	Uses Subject to Director Approval. The following uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.	Uses Subject to Director Approval. The following uses are allowed subject to prior submittal and approval of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 . The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.
16.215(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 16.215(5) below are met:	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, subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and provided the requirements in LC 16.215(5) below are met:
16.215(7)	Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted	Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to

	subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:	LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 prior submittal and approval of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 , and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:
16.220(2)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.221(2)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.222(2)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.223(3)	Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and considerations specified by this chapter of Lane Code:	Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and the general provisions and considerations specified by this chapter of Lane Code:

16.224(2)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.225(2)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.226(2)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.229(3)	Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of Lane Code:	Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:
16.229(4)	Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300 and the general provisions and criteria specified by this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300 Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of

		Lane Code:
16.230(2)	Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:	Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to LC 14.050 and subject to director approval of such application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:
16.230(3)	Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
16.231(3)	Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of Lane Code:	Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:
16.231(4)	Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300 and the general provisions and criteria specified by this chapter of Lane Code:	Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300 Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

16.233(4)	<p>Planning Director Review. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.</p>	<p>Planning Director Review. Alteration of a Historic Structure or Site or demolition of a Historic Structure is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with and subject to compliance with the review criteria at LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.</p>
16.234(3)	<p>Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.</p>	<p>Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to prior submittal and approval by the Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.</p>
16.235(3)	<p>Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to approval by the Director pursuant to LC 14.100. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an impact assessment as set forth in LC 16.249.</p>	<p>Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to prior submittal and approval by the Director pursuant to LC 14.100 of an application pursuant to Type II procedures of LC Chapter 14. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an impact assessment as set forth in LC 16.249.</p>
16.236(3)	<p>Special Uses Approved by the Planning Director. The following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring</p>	<p>Special Uses Approved by the Planning Director. The following specified uses and no others are permitted, subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria. A Resource Capability</p>

	an Impact Assessment as set forth in LC 16.249.	Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.
16.237(4)	Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.	Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following specified uses and no others are permitted, subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.
16.237(13)	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500 LC 14.080 except for LC 14.080(1)(a).
16.238(4)	Special Uses Approved by the Planning Director. If found subject to the requirements of the /PW-RCP Zone based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the following specified uses and no others are subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.	Special Uses Approved by the Planning Director. If found subject to the requirements of the /PW-RCP Zone based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the following specified uses and no others are permitted subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.
16.238(12)	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500 LC 14.080 except for LC 14.080(1)(a).

16.239(4)	Special Uses Approved by the Planning Director. If found subject to the requirements of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.	Special Uses Approved by the Planning Director. If found subject to the requirements of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the following specified uses and no others are permitted, subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.
16.239(11)	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500 LC 14.080 except for LC 14.080(1)(a).
16.240(4)	Special Uses Approved by the Planning Director. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.	Special Uses Approved by the Planning Director. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the following specified uses and no others are permitted, subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.
16.240(12)	Appeal to the Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.	Appeal to the Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500 LC 14.080 except for LC 14.080(1)(a).
16.241(4)	Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.	Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are permitted subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

16.241(11)	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500 LC 14.080 except for LC 14.080(1)(a).
16.242(3)	Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to approval of the Planning Director as provided for in LC 14.100, based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:	Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to prior submittal and approval of the Planning Director as provided for in LC 14.100 of an application pursuant to Type II procedures of LC Chapter 14 , based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:
16.243(4)	Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:	Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal and approval of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14 , upon satisfaction of the applicable criteria:
16.243(18)	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500.	Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500 LC 14.080 except for LC 14.080(1)(a).
16.244(5)	Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC 16.244(6).	Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC 16.244(6). Application for

	Application for approval shall be filed with the Department pursuant to LC 14.050.	approval shall be filed with the Department pursuant to LC 14.050 pursuant to Type I procedures of LC Chapter 14.
16.244(7)(j)	Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.500.	Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.500 LC 14.080 except for LC 14.080(1)(a).
16.247(3)	Uses Subject to Hearings Official Approval. Airport related uses not specified in LC 16.247(2) above are special uses, subject to submittal of an application pursuant to LC 14.050 and approval of the application by the Hearings Official pursuant to LC 14.300...	Uses Subject to Hearings Official Approval. Airport related uses not specified in LC 16.247(2) above are special uses, subject to prior submittal and approval of an application pursuant to LC 14.050 and approval of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
16.251(1)	Verification of Nonconforming Use. The verification of a nonconforming use may be obtained subject to Director approval pursuant to LC 14.100. Verification of a nonconforming use is required prior to requesting approval to increase, restore, alter or repair a nonconforming use. When evaluating a request for verification, the following criteria shall apply:	Verification of Nonconforming Use. The verification of a nonconforming use may be obtained subject to prior submittal and approval of an application Director approval pursuant to LC 14.100 Type II procedures of LC Chapter 14. Verification of a nonconforming use is required prior to requesting approval to increase, restore, alter or repair a nonconforming use. When evaluating a request for verification, the following criteria shall apply:
16.251(3)	Increase of Nonconforming Use. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter may be granted subject to Director approval pursuant to LC 14.100.	Increase of Nonconforming Use. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter may be granted subject to Director approval pursuant to LC 14.100 subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.

16.251(10)	Repairs of a Nonconforming Use. Repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director approval pursuant to LC 14.100 and consistent with the intent of ORS 215.130(5-8) and shall be evaluated pursuant to criteria expressed in LC 16.251(12) below.	Repairs of a Nonconforming Use. Repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director prior submittal and approval of an application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and consistent with the intent of ORS 215.130(5-8) and shall be evaluated pursuant to criteria expressed in LC 16.251(12) below.
16.251(11)	Alterations of a Nonconforming Use. Alterations of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director approval pursuant to LC 14.100 and consistent with the intent of ORS 215.130(9), and be evaluated pursuant to criteria expressed in LC 16.251(12) below. Alteration of any such use must be permitted when necessary to comply with any lawful requirement for alteration in the use.	Alterations of a Nonconforming Use. Alterations of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director prior submittal and approval of an application pursuant to LC 14.100 Type II procedures of LC Chapter 14 and consistent with the intent of ORS 215.130(9), and be evaluated pursuant to criteria expressed in LC 16.251(12) below. Alteration of any such use must be permitted when necessary to comply with any lawful requirement for alteration in the use.
16.252(3)(c)	By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.	By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050 according to Type III procedures of LC Chapter 14.
16.252(6)	Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.	Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
16.253(3)	Modifications. A modification to the applicable riparian setback standard for a structure may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100 with findings of compliance addressing the following criteria:	Modifications. A modification to the applicable riparian setback standard for a structure may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted and approved pursuant to LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100 with Type II procedures of LC Chapter 14 and subject to findings of compliance addressing the following criteria:

16.253(5)(a)	Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(2)(b)(iii) above, shall submit a Riparian Setback Area Development Plan to the Planning Director pursuant to LC 14.050, which sufficiently identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(2)(b)(iii) above, prior to removal. The Riparian Setback Area Development Plan shall establish compliance with LC 16.253(2)(a) above and the following approval criteria:	Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(2)(b)(iii) above, shall submit a Riparian Setback Area Development Plan to the Planning Director pursuant to LC 14.050 Type II procedures of LC Chapter 14 , which sufficiently identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(2)(b)(iii) above, prior to removal. The Riparian Setback Area Development Plan shall establish compliance with LC 16.253(2)(a) above and the following approval criteria:
16.253(5)(b)	Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to enhance the riparian setback area by replanting with indigenous vegetation, shall submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to LC 14.050, which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan shall establish compliance with the following approval criteria:	Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to enhance the riparian setback area by replanting with indigenous vegetation, shall submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to LC 14.050 Type II procedures of LC Chapter 14 , which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan shall establish compliance with the following approval criteria:
16.253(5)(c)	Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(2) above shall submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to LC 14.050, which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory shall identify	Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(2) above shall submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to LC 14.050 Type II procedures of LC Chapter 14 , which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory shall identify previous

	<p>previous plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan shall provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g), below:</p>	<p>plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan shall provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g), below:</p>
16.253(5)(f)	<p>Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(2) above and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100.</p>	<p>Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(2) above and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100 Type II notice of decision procedures of LC Chapter 14.</p>
16.253(6)(e)	<p>Modifications. A modification to the applicable riparian setback standard in LC 16.253(6)(a) for a structure may be allowed provided the ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100 with findings of compliance addressing the following criteria:</p>	<p>Modifications. A modification to the applicable riparian setback standard in LC 16.253(6)(a) for a structure may be allowed provided the ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted and approved pursuant to LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100 Type II procedures of LC Chapter 14 and subject to with findings of compliance addressing the following criteria:</p>
16.254(6)	<p>Application and Review Procedure. Application for a Greenway Development Permit shall be made as provided by LC 14.050 and reviewed by the Director as</p>	<p>Application and Review Procedure. Application for a Greenway Development Permit shall be made as provided by LC 14.050 and reviewed by the Director as provided by</p>

	provided by LC 14.100.	LC 14.100 pursuant to the Type II procedures of LC Chapter 14.
16.255(4)	Application for a Temporary Permit shall be made as provided by LC 14.050.	Application for a Temporary Permit shall be made as provided by LC 14.050 pursuant to Type III application requirements of LC Chapter 14.
16.255(5)	Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to LC 14.300.	Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14.
16.256(1)(a)	An application is submitted pursuant to LC 14.050.	An application is submitted pursuant to LC 14.050 Type II application requirements of LC Chapter 14.
16.256(1)(b)	The application is reviewed pursuant to LC 14.100.	The application is reviewed pursuant to LC 14.100 Type II procedures of LC Chapter 14.
16.257(6)	Application. Application for a Site Review shall be made as provided by LC 14.050.	Application. Application for a Site Review shall be made as provided by LC 14.050 pursuant to Type II application requirements of LC Chapter 14.
16.257(7)	Review Procedure. Applications for Site Reviews shall be reviewed by the Director pursuant to LC 14.100.	Review Procedure. Applications for Site Reviews shall be reviewed by the Director pursuant to LC 14.100 Type II procedures of LC Chapter 14.
16.258(5)	Discretionary Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to LC 14.100, upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.	Discretionary Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to LC 14.100 subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 , upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.
16.258(9)(e)	An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.500.	An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.500 LC 14.080 except

		for LC 14.080(1)(a).
16.258(11)(c)	Restoration Plan. Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to LC 14.050, which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:	Restoration Plan. Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to LC 14.050 Type II procedures of LC Chapter 14 , which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:
16.258(11)(d)(i)	The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100.	The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100 Type II procedures of LC Chapter 14 .
16.258(11)(d)(iv)	As provided in LC 14.500, an applicant may appeal the determination of the Preliminary Investigation.	As provided in LC 14.500 LC 14.080, except for LC 14.080(1)(a) , an applicant may appeal the determination of the Preliminary Investigation.
16.264(3)(j)	Notice. In lieu of the notice area in LC 14.100(4) and 14.300(3)(d), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.100(4) or 14.300(3)(d), as applicable.	Notice. In lieu of the notice area in LC 14.100(4) and 14.300(3)(d) LC 14.060(3)(a) , when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.100(4) or 14.300(3)(d) 14.060(3)(a) , as applicable.

16.264(4)(a)	Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(4).	Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for applications involving a leased area Type III procedures of LC Chapter 14, except that LC 14.060(3)(a) noticing requirements does not apply to applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(4).
16.264(4)(f)(ii)	In lieu of LC 14.700(4), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.	In lieu of LC 14.700(4) LC 14.090(5) , all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.
16.264(4)(f)(iii)	To renew the special use permit, an application shall be submitted in accordance with LC 14.050. To be approved, the application shall contain documentation showing:	To renew the special use permit, an application shall be submitted in accordance with LC 14.050 Type II procedures at LC Chapter 14. To be approved, the application shall contain documentation showing:
16.264(5)(a)	Review process. Collocation requires submittal of a land use application pursuant to LC 14.050. Director approval is required pursuant to LC 14.100, excluding LC 14.100(4) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).	Review process. Collocation requires submittal of a land use application pursuant to LC 14.050 Type II procedures of LC Chapter 14. Director approval is required pursuant to LC 14.100, excluding LC 14.100(4) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).
16.280(6)(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...	Application Review. Site Design Review will be processed pursuant to using the Director Review Procedure of Lane Code 14.100 Type II procedures of LC Chapter 14, and using subject to the application requirements and approval criteria contained in subsections 6(e) and 6(f), below...
16.280(6)(e)(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	Site Design Review Submission Requirements. An application for Site Design Review must contain all of the information required under Lane Code 14.050 LC 14.040(1). 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:	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:
16.280(6)(f)(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.	The application is complete, as determined in accordance with Land Code 14.050 LC 14.050 and subsection (6)(e), Site Design Review – Application Submittal Requirements, above.
16.280(8)(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:	Determination of Similar Land Use. Following submittal of an application under LC 14.050 and 14.100 Subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 , 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:
16.290(3)	Home Occupation. A home occupation is allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.	Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to LC 14.050 Type II procedures of LC Chapter 14 ; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.
16.290(3)(f)	Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the	Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of

	<p>expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with LC 14.070(1). The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.500.</p>	<p>the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with LC 14.070(1) Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.500.</p>
16.290(4)	<p>Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.</p>	<p>Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to LC 14.050 Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16; 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.</p>
16.291(3)	<p>Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: submittal of a land use application pursuant to LC</p>	<p>Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to LC 14.050 Type II</p>

	<p>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.</p>	<p>procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16; 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: prior submittal and approval of a land use application pursuant to LC 14.050 Type II procedures of LC Chapter 14; and 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.</p>
16.292(3)	<p>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.</p>	<p>Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: prior submittal and approval of a land use application for the proposed uses or developments pursuant to LC 14.050 Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code; 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.</p>
16.294(3)	<p>Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: submittal of a land use application pursuant to LC</p>	<p>Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: prior submittal and approval of a land use application pursuant to LC 14.050</p>

	14.050; compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.	Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16; 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.
16.295(3)	Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.	Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: prior submittal and approval of a land use application pursuant to LC 14.050 Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16; 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.
16.296(4)	Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land	Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos.

	Management inventory and historical aerial photos. The determination is subject to submittal of an Airport Use Determination application pursuant to LC 14.050 and review and approval of the Airport Use Determination pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.	The determination is subject to submittal and approval of an Airport Use Determination application pursuant to LC 14.050 and review and approval of the Airport Use Determination pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal Type II procedures of LC Chapter 14.
16.296(9)(a)	The county shall provide written notice of applications for land use decisions or administrative approvals, including comprehensive plan or zoning amendments, affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to LC 14.070 and 14.100 in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.	The county shall provide written notice of applications for Type I through IV applications land use decisions or administrative approvals, including comprehensive plan or zoning amendments, affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to LC 14.070 and 14.100 LC 14.030 and LC 14.060 in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.
16.296(9)(b)	The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.100, is provided to parties to a land use or limited land use proceeding.	The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.100 LC 14.030 and LC 14.060 , is provided to parties to a land use or limited land use proceeding.
16.400(6)(b)(i)	The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300.	The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300 Type IV hearing procedures of LC Chapter 14.
16.400(6)(b)(ii)	Notice of the time and place of hearing shall be given, pursuant to LC 14.300.	Notice of the time and place of hearing shall be given, pursuant to LC 14.300 Type IV noticing procedures of LC Chapter 14.060.

16.400(6)(e)(i)	After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300.	After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300 . Type IV hearing procedures of LC Chapter 14.
16.400(6)(e)(ii)	(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.	(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300 Type IV noticing procedures of LC Chapter 14.060.
16.400(6)(e)(iv)	Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300.	Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300 Type IV noticing procedures of LC Chapter 14.060.
16.400(8)(b)	Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.	Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050 Type IV procedures of LC Chapter 14.
16.400(10)	Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 16.400(6) and (10).	Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 and LC 16.400(6) and (10).

16.420(3)	<p>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.</p>	<p>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) LC 14.040 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.</p>
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