

W.S.F.

Memorandum Date: August 22, 2007
First Reading Date: August 29, 2007
Second Reading/Public Hearing Date: September 19, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works Department - Land Management Division

PRESENTED BY: Keir Miller, Associate Planner

AGENDA ITEM TITLE: ORDINANCE NO. 10-07 / IN THE MATTER OF AMENDING LANE CODE CHAPTERS 10 AND 16 TO ADD AND REVISE DEFINITIONS TO BE CONSISTENT WITH STATEWIDE PLANNING GOALS 16, 17 AND 18, AND OREGON ADMINISTRATIVE RULES 660-017 AND 660-037 (LC 10.020 AND 16.090).

I. MOTION

Move adoption of Ordinance No. 10-07; or

Move to not adopt Ordinance No. 10-07

II. AGENDA ITEM SUMMARY

The Board is being asked to approve definitions of terms commonly used in the Oregon Statewide Goal 16 (Estuarine), Goal 17 (Shorelands) and Goal 18 (Beaches and Dunes) and implementing Oregon Revised Statutes (ORS) Oregon Administrative Rules (OAR). This action is in response to the Lane County Periodic Review Work Program, *Work Task 3. c. -- Update definitions in Lane Code to include new definitions added to the Coastal Goals in 1985.*

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Background

Lane County implements Statewide Goals 16, 17 and 18 in the rural area adjacent to the Oregon Coast, around freshwater coastal lakes, along the Siuslaw River drainage, and within the urban growth boundary of the City of Florence. This implementation occurs through the land use application processes pursuant to Lane Code 16 in the rural areas and Lane Code 10 within the urban growth

boundary.

The adopted and acknowledged Lane County Rural Comprehensive Plan Periodic Review Work Program provided for work tasks and timelines specific to each of the five watersheds, which were completed in the following sequence: McKenzie (2002-2003), Siuslaw (2003-2004), Long Tom (2003-2004), Coast Fork Willamette (2004-2005) and Middle Fork Willamette (2004-2005). The Work Program also included work tasks specific to analysis or refinements concerning provisions of the Coastal Resource Management Plan CRMP). One of the required tasks was to bring Lane Code definitions of terms applicable to estuarine and coastal shorelands into compliance with state law.

B. Analysis

Staff has reviewed the current 2005 *Definitions* subsection of Oregon's Statewide Planning Goals & Guidelines (revised April 28, 2005), the current 2007 *Definitions* subsection OAR 660-017-0005 of OAR 660, Division 17 Classifying Oregon Estuaries, and the current 2007 *Definitions* subsection OAR 660-037-0040 of OAR 660, Division 37 Goal 17 Water-Dependent Shorelands.

Compliance with *Work Task 3. c. -- Update definitions in Lane Code to include new definitions added to the Coastal Goals in 1985*, requires amendments to existing definitions or the addition of new definitions to Lane Code 16.090 and Lane Code 10.020. The proposed amendments are attached in legislative format to the Ordinance as Exhibit "A": Legislative Format of Amendments to Lane Code 16.090, and Exhibit "B": Legislative Format of Amendments to Lane Code 10.020.

C. Alternatives/Options

1. Adopt Ordinance No. 10-07 with Exhibits A and B.
2. Do not adopt Ordinance No. PA10-07.
3. Direct staff to revise proposed amendments to the definitions or provide new definitions for review.

IV. RECOMMENDATION

The Lane County Planning Commission reviewed the proposed amendments to Lane Code 16.090 and Lane Code 10.020 in a public hearing on January 23, 2007, and in deliberations on March 6, 2007, and has forwarded a unanimous recommendation to the Board of Commissioners to adopt the proposed amendments.

Staff concurs with the Planning Commission's recommendation and recommends Option 1.

V. TIMING/IMPLEMENTATION

If the Board adopts Ordinance No. PA 1244, the amendments will become effective 30 days following the date of adoption.

VI. FOLLOW-UP

Upon action on the Ordinance, staff will provide notice to parties with standing and the DLCD.

VII. ATTACHMENTS

A. Ordinance No. 10-07

Exhibit A: Legislative Format of Amendments to Lane Code 16.090.

Exhibit B: Legislative Format of Amendments to Lane Code 10.020.

Exhibit C: Findings of Fact and Conclusions of Law

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 10-07

IN THE MATTER OF AMENDING LANE CODE CHAPTERS 10 AND 16 TO ADD AND REVISE DEFINITIONS TO BE CONSISTENT WITH STATEWIDE PLANNING GOALS 16, 17 AND 18, AND OREGON ADMINISTRATIVE RULES 660-017 AND 660-037 (LC 10.020 AND 16.090).

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

Chapters 10 and 16 of Lane Code is hereby amended by removing and substituting sections as follows:

REMOVE THESE SECTIONS

10.020
as located on pages 10-1 through 10-15
(a total of 15 pages)

16.090
as located on pages 16-26 through 16-40
(a total of 15 pages)

INSERT THESE SECTIONS

10.020
as located on pages 10-1 through 10-19
(a total of 19 pages)

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

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions is to add and revise definitions to be consistent with Statewide Planning Goals 16, 17 and 18 and Oregon Administrative Rules 660-017 and 660-037 (LC 10.020 and 16.090).

ENACTED this _____ day of _____ 2007.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 8/21/07 Lane County


OFFICE OF LEGAL COUNSEL

DEFINITIONS

10.020 Definitions.

For the purpose of this chapter only, the following words, terms and phrases are defined as follows and supersede definitions otherwise provided in this Code.

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

Accessory Building. Any subordinate building or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building.

Accessory Use. A use incidental, appropriate and subordinate to the main use of a lot or building.

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

Agriculture. Synonymous with definition of "farm use."

Alley. A public way not over 30 feet wide, providing a secondary means of access to private property.

Alter or Alteration. To change any of the supporting members of a building or structure, such as bearing walls, columns, beams or girders. Any change, addition or modification in use, construction or occupancy. For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

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

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

Apartment House. A building or portion thereof used or intended to be used as the home of three or more families or householders living independently of each other.

Auto Court. A combination or group of two or more detached or semidetached permanent dwellings or dwelling units occupying a building site in one ownership owned and used to furnish transient living accommodations.

Automobile, Mobile Home or Camping Vehicles Sales Area. Uncovered premises used for display, sales or rental of new or used automobiles, mobile homes, camping vehicles or accessories thereto.

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

Awning. Any stationary structure, permanent or de-mountable, used in conjunction with a mobile home, other than a window awning, for the purposes of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

Basement. A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

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

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad rights-of-way, unsubdivided acreage, watercourse or body of water.

Boarding House. A building or portion thereof having only one kitchen and used for the purpose of providing means and/or lodging for pay or compensation of any kind to more than three people, other than members of a family occupying such a dwelling.

Boundary. The boundary of the County of Lane, State of Oregon, or the boundary of any incorporated municipality within said County.

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

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

Building. The terms "building" and "structure" shall be synonymous, and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a parcel of land. This definition shall specifically include a mobile home and accessories thereto. Driveways or walks not more than six inches higher than the ground on which they rest shall not be considered buildings.

Building Height. The vertical distance from the average finished grade at the front of the building to the highest point of a building, exclusive of chimneys.

Cabana. A stationary, lightweight structure, which may be prefabricated or demountable, with two or more walls, used adjacent to or in conjunction with a mobile home, to provide additional living space which is meant to be moved with the mobile home.

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

Camping Vehicles. A vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is not being used for residential purposes, but for vacation and recreational purposes. If occupancy of a vehicle or structure exceeds 45 days in any 12-month period, it shall be presumed that said vehicle or structure is being used for residential purposes.

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

Carport. A stationary structure consisting of a roof with its supports and no more than one wall, or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

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

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

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

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, this shall not include any organization, group or association of which the chief activity is to render a service customarily carried on as a business.

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

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

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

Commercial Vehicle. Any pickup truck over one ton manufacturer's capacity rating or trucks, trailers, semi-trailers or similar vehicles designed and used or maintained primarily for business purposes, excluding vehicles designed primarily for agricultural or timber harvesting purposes which are located on the site of and utilized regularly in active farm or timber operations.

Communication Facilities. Towers, poles, cables or other devices used to transmit signals provided such facilities do not require filling of the estuary.

Community Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household uses.

Construction Salvage Yard. Outside storage of used building materials, including sink units and bathroom fixtures, when such materials are stored on the lot for wholesale or retail sales, trade or use in a location other than on the lot where they are stored.

Contract of Annexation. Pursuant to a "contract of annexation", an owner of land and an adjacent incorporated city may agree that, upon fulfillment of certain conditions contained in the contract, the land will be annexed to the city.

Court. An open, unoccupied space, other than a yard, on the same lot with a building, and bounded on two or more sides by such building.

Court Apartments. One or more multiple dwellings arranged around two or three sides of a court which opens onto a street.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the County Engineer shall establish such curb level for the purpose of this article.

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

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

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

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

Development. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading.

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

District. A portion of the unincorporated territory of the County within which certain uses of land or water, or submerged or submersible lands and buildings are permitted and certain other uses of land, water and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lots areas are established, or within which certain height limitations are required for buildings, or within which certain off-street parking space is required, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this chapter.

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

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

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

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

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

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

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, by one or more families, but excluding hotels, motels, auto courts, mobile homes and camping vehicles.

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

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

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

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

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

Estuary/Estuarine. A body of water semi-enclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes:

(a) Estuarine water; (b) Tidelands, (c) Tidal marshes, and; (d) Submerged lands. Estuaries extend upstream to the head of tidewater.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 18, 1985.

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

Family.

(1) An individual, or group of two or more persons related by blood, marriage or legal adoption, and not more than three other persons unrelated to said group, living together as a single household unit, provided, however, that if all of those unrelated to said group are foster children, the number allowable within the definition of the term "Family" are as follows:

(a) Three, when there are three or more related children under age 18 living in the household;

(b) Four, when there are two related children under age 18 living in the household,

(c) Five, when there is only one related child under age 18 living in the household,

(d) Six, when there are no related children under age 18 living in the household; or

(2) A group of not more than five persons who need not be related by blood, marriage or legal adoption living together as a single nonprofit housekeeping unit.

Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide

either full-time or part-time supervision and care for no more than 12 minor children including the children of the resident-operator(s).

Farm Use. Means:

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

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

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

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 10.020 above or land described in ORS 321.267(1)(e) or 321.415(5);

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

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

Fill. Fill is the placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (non-floating) and dredge material (non-flow land) can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

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

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

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

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

Fraternity, Sorority, Student Home. A residential building in which living accommodations are furnished to college students.

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

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

Grazing. The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits. Land uses in any zoned district other than those described above and not included under the definition of "Agriculture" or "Timber Growing", regardless of land ownership, are subject to the provisions of this chapter. Tracts of five acres or less shall be presumed to be non-grazing, nonagricultural and not used for the growing of timber, unless proved to be otherwise.

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

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

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

Half Story. That part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

Height of Building. See "Building Height."

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

Home Occupations. Any occupation or profession carried on by a member of the family residing on the premises; provided, however, that such use is not detrimental to the general residential character of the neighborhood, residential values and the personal enjoyment by the residents of surrounding properties.

Horticulture. See "Agriculture."

Hotel, Lodging House or Rooming House. A building or portion thereof containing four or more sleeping rooms customarily occupied as more or less temporary abiding places for individuals.

Hospitals. Institutions devoted primarily to the rendering of healing, curing and nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding 24 hours.

Hydraulic. Related to the movement or pressure of water.

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

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

Individual Sewage Facility. A privately owned sewage facility which serves a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Individual Water System. A privately owned water supply system which serves a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

Inoperable Vehicle. Any vehicle not functional because of a mechanical or other defect, or not currently licensed for operation on public streets. Off-road vehicles used for farming or timber operations, recreation or for on-site use in conjunction with a valid business being conducted on the premises shall be excluded from this definition.

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

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

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

Junk. Outside storage of used materials, including, but not limited to, home and industrial appliances, scrap iron, aluminum or other metals, plastic, cardboard, machinery, bottles, cans and all materials similar to the above, excluding storage of materials in conjunction with a use permitted by a zoning district.

Junk Yard. Lot used in whole or in part for buying, selling, trading or dealing commercially in any manner with outside storage of junk, with the exception of salvage or recovery operations otherwise allowed by a zoning district.

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

Kennel. Any lot on which three or more dogs over the age of four months are kept.

Key Lot. A lot, the side of which abuts the rear line of one or more adjacent lots.

Key Urban Facilities and Services. Those public facilities and services important to urban development. They are primarily planned for by local government and are to be provided in the manner, type and time period as established in the portion of the Comprehensive Plan for each respective city Urban Growth Boundary.

Kitchen. Any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

Lane County Planning Commission. See LC 1.010.

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

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

Lot. All land within property lines which supports or may support a building and accessory buildings, including such open spaces as are required by this chapter. Contiguous land under the same ownership which has not been divided through partitioning, subdivision or other means approved by Lane County shall be considered as one lot.

Lot Area. The total area measured on a horizontal plane within the lot lines of a lot.

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

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

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

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

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

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

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

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

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

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

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

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

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

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

Mitigation. For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP); the creation, restoration, or enhancement off an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January

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

Mobile Home Park. Any place where four or more mobile homes are parked, placed or located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

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

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

Navigational Aids. Human-made and human-installed devices designed to direct waterborne transportation within an estuarine area (i.e. beacons and buoys).

Navigational Improvements, Minor. Minor navigational improvements include removal of logs and stumps or specific items of debris in close proximity to the existing dredge channel which pose a threat to safe navigation. Minor navigational improvements may also include minor expansion of the channel or turnaround basin if needed to accommodate waterborne transport.

Near shore Deflation Plain. The interdune area just inland from and adjacent to the foredune which is wind scoured to the level of the summer water table resulting in standing water for all or a portion of the winter months. Soil type is generally Heceta 204.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 18, 1985.

Nonconforming Lot of Record. A parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

Nonconforming Structure. A structure, or portion thereof, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance (1) no longer conforms to the setback, height, maximum lot coverage or other building development requirements of this

chapter, or (2) is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

Nonconforming Use. Use of a structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the use requirements for the zoning district in which it is located.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Occasionally Wet Interdune. An interdune form commonly occurring between dune crests or ridges which contains standing water in intermittent years or intermittently throughout the year. The dune form consists primarily of Yaquina fine sand with high portions comprised of Westport soils and exhibits low shrubby or marshy vegetation.

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

Off-Street Parking Area. All area within lot lines exclusive of structures above ground level, whether undefined or specifically defined as a parking area as required by zoning.

Other Uses Similar to the Above. Other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same district.

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

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

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

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

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

Planning Commission. See LC 1.010.

Planning Department. The Lane County Division of Planning and Zoning, Department of General Administration or as hereafter designated otherwise by Order of the Board of Commissioners.

Planning Director. The administrative official of Lane County, or his or her duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

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

Public Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves a sole user for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Public Water System. A water supply system, whether publicly or privately owned, which serves a sole user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption.

Ramada. A stationary structure having a roof extending over a mobile home; said structure may also extend over a patio or parking area for motor vehicles and is used principally for protection from sun and rain.

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

(1) Recreation, High Intensity. High intensity recreation requires specially built facilities or occurs in such density or form that it requires or results in modification of the area or resource. Campgrounds, golf courses, public beaches and marinas are examples of high intensity recreation.

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

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

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

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

Refinement Planning Process. Refinement plans are developed through process which includes at least the following elements: A predetermined citizen involvement

process pre-established policy direction in adopted planning documents and planning commission and elected official process. In some cases, these processes would have to be expanded to include review and involvement by citizens, appointed and elected officials.

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

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

Residential Properties. Any lot not zoned for full-scale commercial or industrial permitted uses.

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

Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 10.225 (/NE), 10.230 (/CE), 10.235 (/DE); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

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

Restoration, Shoreland. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 10.240 (/SN), 10.245 (/PW), 10.250 (/NRC), 10.255 (/RD), 10.260 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

Riding Academy. Any building or portion of property (1) upon which the skill and subject of horsemanship is taught for remuneration; or (2) made available for hire or remuneration for the teaching or training in the skill and subject of horsemanship. Exercise rings and show rings for riding, breaking, roping or showmanship, whether enclosed in a building or lot or parcel of land by a human-made barrier for public use and remuneration shall be considered an accessory use of the premises for a riding academy.

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

Rural Land. Land outside urban growth boundaries that is:

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

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

(3) In an unincorporated community.

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

Second-Hand Store. The collection, purchase, exchange or sale of used articles when such business is conducted entirely within an enclosed building.

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

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

Sign Area. The entire area within a single, continuous perimeter formed by lines joined at right angles which encloses the extreme limits of such sign and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign and not forming an integral part of the display.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot. (See LC 10.300-20).

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. A building in which horses are kept for remuneration, hire or sale.

Storage. To accumulate in any outside location on a lot for more than 30 days any type of junk, equipment, inoperable vehicles, vehicle parts or combination thereof, except as otherwise allowed by this chapter, for preservation, later use or disposal. Equipment and building materials located on a lot for construction purposes, and for which a valid building permit is displayed, shall not be considered as being stored on the lot until after the structure is completed.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. (See "Basement.")

Streams, Class 1. Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning,

rearing or migration routes. Stream flows may be either perennial or intermittent during parts of the year.

Street. A public thoroughfare, avenue, road, highway, boulevard, parkway, drive, lane, court, cul-de-sac or private easement, approved by the Planning Commission and recorded with the County Clerk, providing the roadway for ingress and egress from property abutting thereon.

Structural Alterations. See "Alter."

Structure. See "Building."

Structure or Facility That Provides Water-Dependent Access. For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

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

Sun Exposure Plane. A sun exposure plane is an imaginary, inclined plane.

Northerly Exposures: Beginning on a line parallel to a front, side or rear property line and 10 feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies, and projecting thence due south at a 30E slope over the applicable development site.

Easterly, westerly and southerly exposures: Beginning on lines parallel to front, side or rear property lines and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies, and projecting thence due west from the easterly line, due east from the westerly line and due north from the southerly line at a 60E slope over the applicable development site to a maximum distance of 30 feet, measured horizontally for each development site line.

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

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

Timber Growing or Forest Crops. The growing of trees for commercial purposes, tree products in the form of logs, chunks, bark or similar items; other minor forest crops, such as Christmas trees, cones, ferns, greenery, berries and moss.

Tourist Park. All campgrounds, picnic parks, camping vehicle parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or offered free in connection with securing the

trade or patronage of such person or for indirect benefit to the owner in connection with a related business.

Upland Interdunal Plain. These are broad, flat interdune forms at elevations of 80 feet or higher above sea level. These areas exhibit a high groundwater table although areas of standing water are infrequent. The soils are Yaquina fine sand 225A, often with a shore pine and spruce forest cover.

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

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

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

Vehicle. Every device designed to move by any means other than human power over public roads and highways.

Visible. Capable of being seen from a height of not more than five feet above ground level with the unaided eye by a person of normal visual acuity.

Vision Clearance. A triangular area of the street or highway corner of a corner lot or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction exceeding three and one-half feet in height above the curb level.

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

(1) For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); the following definitions apply:

- (a) "Access" means physical contact with or use of the water;
- (b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);
- (c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.
- (d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;
- (e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.
- (f) "Water-borne transportation" means use of water access:
 - (i) Which are themselves transportation (e.g., navigation);
 - (ii) Which require the receipt of shipment of goods by water; or
 - (iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships boats, terminal and transfer facilities);

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

- (a) Aquaculture.
- (b) Certain scientific and educational activities which, by their nature, require access to coastal waters – estuarine research activities and equipment mooring and support.
- (c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.
- (d) For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); examples of uses that are not “water dependent uses” include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.
- (e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.
- (f) Recreational. Recreational marinas, boat ramps and support.

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

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

Water System. A source of water and any associated distribution system for water.

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

Winery. A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres and owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, and owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here shall allow only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

Wrecking Yard. Lots used in whole or in part for storing vehicles for the purpose of substantially altering the form, wrecking, dismantling, assembling or disassembling and offering for sale or trade the altered vehicle or components thereof.

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided therein. Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

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

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 24-72, 2.20.73; 3-73, 5.11.73; 1-74, 3.6.74; 2-74, 4.19.74; 14-74, 12.27.74; 11-75, 9.5.75; 9-79, 2.8.80; 2-80, 6.13.80; 11-80, 7.24.80; 19-80, 8.20.80; 1-82 As Amended, 4.16.82; 10-82, 7.9.82; 3-91, 5.17.91; 12-97, 11.20.97)*

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ARE RESERVED FOR FUTURE EXPANSION

16.090 Definitions.

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

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

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

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

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

Agriculture. Synonymous with definition of "farm use."

Agricultural Building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Board. Board of County Commissioners of Lane County.

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

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

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

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

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

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

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

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

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

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

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

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

Driveways or walks not more than six inches higher than the ground on which they rest shall not be considered buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational

facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

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

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

Cultured Christmas Trees. Means trees:

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

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x) and 215.283(1)(u);
- (8) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- (9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- (10) Any land described under ORS 321.267(1)(e) or 321.415(5); and
- (11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

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

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

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

Department. The Lane County Department of Public Works.

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

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

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

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

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

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

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

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

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

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

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

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

"Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

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

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

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

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding,

management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

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

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

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(1)(e) or 321.415(5);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The above sites are also identified separately in LM 11.300.

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

Hydraulic. Related to the movement or pressure of water.

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

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

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

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

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

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

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

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

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

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

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

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

Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the

Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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

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

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

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

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

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

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

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

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

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

100 Year Flood. See "Base Flood".

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

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

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

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

Parcel.

- (1) Includes a unit of land created:
 - (a) by partitioning land as defined in LC 16.090,
 - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
 - (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

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

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

Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by

the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

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

Partition. Either an act of partitioning land or an area or tract of land partitioned. Partitions shall be divided into the following two types:

- (1) Major Partition. A partition which includes the creation of a road.
- (2) Minor Partition. A partition that does not include the creation of any road.

Partition Land. To divide land into two or three parcels of land within a calendar year, but does not include:

(a) a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or

(b) an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

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

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

(2) Any County official.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

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

Tract. A lot or parcel as defined in LC 16.090.

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

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

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

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

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

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

- (a) "Access" means physical contact with or use of the water;
- (b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);
- (c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

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

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

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

- (i) Which are themselves transportation (e.g., navigation);
- (ii) Which require the receipt of shipment of goods by water; or
- (iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities).

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

(a) Aquaculture.

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

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

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

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

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

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

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

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

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

Winery. A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here shall allow only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

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

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

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

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

16.095 Compliance with LC Chapter 15, Roads.

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

DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN

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

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

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

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

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10.020 Definitions.

For the purpose of this chapter only, the following words, terms and phrases are defined as follows and supersede definitions otherwise provided in this Code.

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

Accessory Building. Any subordinate building or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building.

Accessory Use. A use incidental, appropriate and subordinate to the main use of a lot or building.

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

Agriculture. ~~Synonymous with definition of "farm use." The tilling of the soil, the raising of crops, horticulture, small livestock farming, dairying and/or animal husbandry. Land uses in any zoned district other than those described above and not included under the definition of grazing or timber growing, regardless of area of land ownership are subject to the provisions of this chapter. Tracts of land of five acres or less shall be presumed to be non-agriculture, non-horticulture and not used for the growing of timber, unless proved to be otherwise.~~

Alley. A public way not over 30 feet wide, providing a secondary means of access to private property.

Alter or Alteration. To change any of the supporting members of a building or structure, such as bearing walls, columns, beams or girders. Any change, addition or modification in use, construction or occupancy. For the purposes of LC 10.225 (NE-RCP), 10.230 (CE-RCP), 10.235 (DE-RCP), 10.240 (/SN-RCP), 10.245 (/PW-RCP), 10.250 (/NRC-RCP), 10.255 (/RD-RCP), 10.260 (/MD-RCP), 10.265 (/DMS-RCP), and 10.270 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

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

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

Apartment House. A building or portion thereof used or intended to be used as the home of three or more families or householders living independently of each other.

Auto Court. A combination or group of two or more detached or semidetached permanent dwellings or dwelling units occupying a building site in one ownership owned and used to furnish transient living accommodations.

Automobile, Mobile Home or Camping Vehicles Sales Area. Uncovered premises used for display, sales or rental of new or used automobiles, mobile homes, camping vehicles or accessories thereto.

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

Awning. Any stationary structure, permanent or de-mountable, used in conjunction with a mobile home, other than a window awning, for the purposes of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

Basement. A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

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

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad rights-of-way, unsubdivided acreage, watercourse or body of water.

Boarding House. A building or portion thereof having only one kitchen and used for the purpose of providing means and/or lodging for pay or compensation of any kind to more than three people, other than members of a family occupying such a dwelling.

Boundary. The boundary of the County of Lane, State of Oregon, or the boundary of any incorporated municipality within said County.

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

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

Building. The terms "building" and "structure" shall be synonymous, and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a parcel of land. This definition shall specifically include a mobile home and accessories thereto. Driveways or walks not more than six inches higher than the ground on which they rest shall not be considered buildings.

Building Height. The vertical distance from the average finished grade at the front of the building to the highest point of a building, exclusive of chimneys.

Cabana. A stationary, lightweight structure, which may be prefabricated or de-mountable, with two or more walls, used adjacent to or in conjunction with a mobile home, to provide additional living space which is meant to be moved with the mobile home.

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

~~**Campgrounds. Any lot, tract or parcel of land under the same ownership where two or more campsites are located which provide facilities for living in any manner other than in a permanent building constructed of wood, etc.**~~

Camping Vehicles. A vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is not being used for residential purposes, but for vacation and recreational purposes. If occupancy of a vehicle or

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structure exceeds 45 days in any 12-month period, it shall be presumed that said vehicle or structure is being used for residential purposes.

Camping Vehicle Park. **Synonymous with definition of Recreational Vehicle Park.** ~~Any place where two or more camping vehicles are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership.~~

Carport. A stationary structure consisting of a roof with its supports and no more than one wall, or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

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

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

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

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, this shall not include any organization, group or association of which the chief activity is to render a service customarily carried on as a business.

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

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

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

Commercial Vehicle. Any pickup truck over one ton manufacturer's capacity rating or trucks, trailers, semi-trailers or similar vehicles designed and used or maintained primarily for business purposes, excluding vehicles designed primarily for agricultural or timber harvesting purposes which are located on the site of and utilized regularly in active farm or timber operations.

Communication Facilities. Towers, poles, cables or other devices used to transmit signals provided such facilities do not require filling of the estuary.

Community Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

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Bold indicates material being added
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Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household uses.

Construction Salvage Yard. Outside storage of used building materials, including sink units and bathroom fixtures, when such materials are stored on the lot for wholesale or retail sales, trade or use in a location other than on the lot where they are stored.

Contract of Annexation. Pursuant to a "contract of annexation", an owner of land and an adjacent incorporated city may agree that, upon fulfillment of certain conditions contained in the contract, the land will be annexed to the city.

Court. An open, unoccupied space, other than a yard, on the same lot with a building, and bounded on two or more sides by such building.

Court Apartments. One or more multiple dwellings arranged around two or three sides of a court which opens onto a street.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the County Engineer shall establish such curb level for the purpose of this article.

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

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

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

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

Development. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading.

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

District. A portion of the unincorporated territory of the County within which certain uses of land or water, or submerged or submersible lands and buildings are permitted and certain other uses of land, water and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lots areas are established, or within which certain height limitations are required for buildings, or within which certain off-street parking space is required, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this chapter.

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

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation-free)

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areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes. ~~A wind-stable dune which exhibits a poor to moderately well developed soil, semi-cemented underlying sand and often a diverse forest cover. Soil types are of the Bandon and Bullards-Ferrelle series.~~

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

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

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

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, by one or more families, but excluding hotels, motels, auto courts, mobile homes and camping vehicles.

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

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

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

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

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

Estuary/Estuarine. A body of water semi-enclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes:

(a) Estuarine water; (b) Tidelands, (c) Tidal marshes, and; (d) Submerged lands. Estuaries extend upstream to the head of tidewater.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 18, 1985.

Expansion of an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on