

Summary of Text Correction Amendments to Chapters 13 and 16

1. **Lane Code 13.010(4): Cluster Subdivision Text Correction**
2. **Lane Code 16.090: Farm Use Definition Text Correction**
3. **Lane Code 16.211(2)(k): Impacted Forest Lands Zone (F-2) Mass Gathering Text Correction**
4. **Lane Code 16.212(3)(w): Exclusive Farm Use Zone (EFU) Mass Gathering Text Correction**
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12. **Lane Code 16.252(3)(b): Procedures for Zonings, Rezoning, and Amendments Text Correction**
13. **Lane Code 16.252(4)(c): Procedures for Zonings, Rezoning, and Amendments Text Correction**
14. **Lane Code 16.258(7)(d): Clearlake Watershed Protection Zone (CLWP) Building Code Text Correction**
15. **Lane Code 16.264(2): Telecommunications Tower Standards Text Correction**
16. **Lane Code 16.290(2)(d)(i): Rural Residential Zone (RR) Temporary Medical Hardship Correction**
17. **Lane Code 16.290(2)(h)(ix): Rural Residential Zone (RR) Building Code Text Correction**
18. **Lane Code 16.292(3): Rural Industrial Zone (RI) Director Approval Text Correction**

1. Lane Code 13.010(4): Cluster Subdivision Text Correction

Intent: Correct erroneous reference to RCP policy.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

13.010(4):

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 Chapters 10 and 16. Consistency with the cluster subdivision Policy #~~24~~23 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

LAND DIVISIONS

13.005 Purpose.

Pursuant to ORS Chapters 92, 197 and 215, any person desiring to partition or subdivide land within any part of Lane County outside of incorporated cities shall submit preliminary plans and final plats for such partitions or subdivisions to the Director for review. Such review of proposed partitions or subdivisions is necessary in order that Lane County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the comprehensive plan regarding patterns for the development and improvement of Lane County; provide for safety and health; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215. (Revised by Ordinance No. 1-90; Effective 2.7.90)

13.010 Definitions.

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

Area. The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

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

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 Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

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.

Department. The 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.

Director. "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

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



**Rural Comp Plan
Goal 2**

**A.1
Citation**

Destination Resort designations and zoning shall be considered only on a case-by-case basis, and may be evaluated concurrently. No designations or zoning shall occur in the absence of a specific application which addresses the criteria stated above.

Prior to the designation of any property in Lane County as a "Destination Resort" under the Statewide Goal 8 guidelines and definitions as implemented in ORS 197.435 – 197.467; Lane County will be required to comply with ORS 197.465 Comprehensive Plan Implementing Measures.

22. Sites considered "significant" in terms of OAR 660-16-000 through 660-16-025 but requiring that the Goal #5 ESEE consequences analysis process be delayed (the "IB" option) shall be protected by Lane County through the application of interim protective measures. Such interim protective measures shall be considered and applied at the beginning of the plan refinement process for the "significant" sites and after sufficient information is available regarding the location, quality and quantity of the "significant" sites.



23. A cluster subdivision, with the following exceptions, shall be deemed appropriate to a rural area when the criteria below are satisfied. Exceptions to this policy includes cluster subdivision developments which meet the requirements of either A or B, and C.

- a. (1) Limited to single family residences; and
(2) Limited to 10 single family residences; and
(3) All lots within the cluster subdivision are five acres in size.

or

- b. (1) Limited to single family residences; and
(2) Limited to 10 single family residences; and
(3) Lots within the cluster subdivision average, five acres in size and are not less than two acres in size.

and

- c. (1) No further cluster development of the parcel is allowed; and
(2) The parcel being developed is not adjacent to another cluster subdivision containing lots less than five acres."

Consistent with the intent and requirements of OAR 660-14-040(2) and (3), a showing must be made that the development will not represent an urban population or demand an urban level of facilities and services. For purpose of meeting this standard, affirmative findings must be made addressing the following:

- a. The level of development represented by the development cannot be reasonably accommodated through the expansion of an existing urban growth boundary or by intensification of development at an existing rural center.
- b. The long-term environmental, economic, social and energy consequences resulting from the development; considering measures designed to mitigate negative impacts, are appropriate to the rural area. Factors to be considered include whether the size of the development is appropriate to the proposed rural area and whether the air, water, energy and land resources of the surrounding area are adequate to serve and are not adversely affected by the development.

- c. The proposed development is compatible with or can be made compatible with adjacent uses considering:
 - (1) Whether the development detracts from the ability of existing cities and service districts to provide services, and
 - (2) Whether the potential for continued resource management of the land at present levels surrounding and nearby the development is assured.
- d. An appropriate level of rural facilities and services are available or can be provided in a timely and efficient manner.
- e. The approval of the development is coordinated with affected jurisdictions and is consistent with the comprehensive plans of the affected jurisdictions and the Lane County Rural Comprehensive Plan.

The development will not:

- a. Generate traffic which will exceed the carrying capacity, as defined by Lane Code Chapter 15, of adjacent public and private roads.
- b. Necessitate a higher level of police service than presently provided to the surrounding area.
- c. Occur within one mile of an existing urban growth boundary and/or share any urban service provided within a neighboring urban growth boundary.
- d. On the whole require an urban level of service.

Reasonable assurances must be provided that the cluster shall not generate students in excess of the capacity of affected facilities within the appropriate school district.

The development represents a concentration of people who generally reside and work in the area.

Deed restrictions which ensure that community water and sewer systems shall remain viable and under private ownership shall be required. Cluster subdivisions which propose to form or use a public water or sewer system shall not be allowed.

Cluster subdivisions shall be limited to residential use. No commercial or industrial uses will be allowed within existing or proposed cluster subdivisions.

All cluster subdivisions must be within an existing Rural Fire Protection District.

No other identifiable substantial increase of a public service shall be necessitated by the approval of a cluster subdivision.

- 24. Outside of designated 'Community' areas, all changes to Plan Diagram designations shall be evaluated through the County's Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.

2. Lane Code 16.090: Farm Use Definition Text Correction

Intent: Correct reference to ORS in the definition of Farm Use.

Rationale: The last sentence of ORS 215.203(2)(a) refers to “land described in ORS 321.267 (3) or 321.824 (3).” This sentence corresponds to subsection (4) of the definition of Farm use in Lane Code, which refers to “land described in ORS 321.267(1)(e) or 321.415(5).” These ORS citations appear to have changed since Lane Code’s definition of Farm Use was last amended.

Proposed amendments to the text: Deletions of the text indicated with ~~strike through~~.
Additions to the text indicated with **bold underlined**.

LC 16.090:

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) ~~(3)~~ or 321.415(5) ~~824 (3)~~;

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

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

16.090

Lane Code

16.090

“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 semienlosed 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.

determined by department rule.

(8) "Western Oregon" means that portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon. [1977 c.892 §1; 1983 c.539 §2; 1985 c.759 §18; 1989 c.1083 §1; 1993 c.653 §6; 1993 c.801 §1; 1999 c.1078 §12; 2003 c.621 §1]

321.259 Legislative findings. The Legislative Assembly finds that:

(1) Multiple taxation through a yearly ad valorem levy on both trees and forestland managed in sustained yield timber operations discourages conservation, private ownership and investment of capital.

(2) The interests of the state, its citizens and future citizens are best served by sustained yield practices and taxing policies that encourage production of forest resources for commerce, recreation and watersheds, stabilize employment levels, prevent large population shifts and encourage millage of timber products within Oregon.

(3) Timber on private lands managed on a sustained yield basis should be treated as a crop and not taxed as real property.

(4) Forestland should be taxed based on the value of the forestland in timber production. [1993 c.801 §3; 2003 c.621 §2]

321.260 [Formerly 528.020; repealed by 1977 c.892 §51]

321.262 Purposes. The purposes of ORS 321.257 to 321.390 are:

(1) To impose with respect to forestlands in western Oregon a special assessment program whereby the value of forestland is determined as prescribed in ORS 321.201 to 321.222.

(2) To establish a special assessment program as a means of:

(a) Recognizing the long-term nature of the forest crop and fostering the public policy of Oregon to encourage the growing and harvesting of timber.

(b) Protecting the public welfare by assuring that the citizens of the state and future generations shall have the benefits to be derived from the continuous production of forest products from private forestlands.

(c) Promoting the state's policy of encouraging forestry and the restocking of forestlands to provide present and future benefits by enhancing the water supply, preventing erosion, providing habitat for wildlife, providing scenic and recreational opportunities and providing for needed products. [1977 c.892 §2; 1993 c.801 §4; 2003 c.621 §3]

321.265 [Formerly 528.025; repealed by 1977 c.892 §51]



321.267 Lands not eligible for special assessment. The following forestland may not be assessed under ORS 321.257 to 321.390:

(1) Forestland assessed by the Department of Revenue pursuant to ORS 308.505 to 308.665, 308.805 to 308.820 and 308.990.

(2) Except as provided in ORS 321.347, land that is prepared using intensive cultivation and tilling and on which all unwanted plant growth is controlled continuously for the exclusive purpose of growing Christmas trees.

(3) Land used for the purpose of growing hardwood timber, including but not limited to hybrid cottonwood, if:

(a) The land is prepared using intensive cultivation methods and is cleared of competing vegetation for at least three years after tree planting;

(b) The timber is of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;

(c) The timber is harvested on a rotation cycle within 12 years after planting; and

(d) The land and timber are subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

(4) Small tract forestland qualified under ORS 321.700 to 321.754 and timber harvested from small tract forestland qualified under ORS 321.700 to 321.754. [1977 c.892 §3; 1989 c.887 §5; 1991 c.459 §278; 1991 c.714 §10; 1993 c.801 §5; 1997 c.154 §51; 1999 c.19 §1; 1999 c.1078 §17; 2001 c.46 §1; 2001 c.114 §44; 2003 c.454 §§108,110; 2003 c.621 §4a]

321.270 [Formerly 528.030; 1973 c.348 §2; repealed by 1977 c.892 §51]

321.272 Exemption of timber from property taxation. All timber in western Oregon shall be exempt from ad valorem property taxation. [1977 c.892 §4; 1993 c.801 §6; 1999 c.1078 §19; 2003 c.621 §5]

321.273 [1993 c.801 §8; 1999 c.1078 §§21,23; repealed by 2003 c.621 §22b]

321.274 [1989 c.887 §7b; 1991 c.459 §279; 1993 c.801 §38; 2003 c.454 §114; repealed by 2003 c.621 §§22b,22c]

321.275 [Formerly 528.040; repealed by 1973 c.348 §12]

321.277 [1977 c.892 §5; repealed by 1993 c.801 §43]

321.279 [1977 c.892 §50a; repealed by 1983 c.740 §92a]

321.280 [Formerly 528.050; 1973 c.348 §3; repealed by 1977 c.892 §51]

321.282 [1977 c.892 §6; 1979 c.454 §1; 1983 c.563 §1; 1985 c.759 §19; 1989 c.1083 §2; 1991 c.459 §280; 1993 c.653 §§8,8a; 1999 c.1078 §25; 2003 c.454 §62a; repealed by 2003 c.621 §§22b,22c]

321.284 [1989 c.1083 §4; 1991 c.459 §281; 1993 c.653 §9; 1995 c.650 §92; 1999 c.1078 §26a; repealed by 2003 c.621 §22]

321.285 [Formerly 528.060; 1973 c.348 §4; repealed by 1977 c.892 §51]

321.287 [1977 c.892 §7; 1979 c.454 §2; 1993 c.653 §§10,10a; repealed by 2003 c.621 §22b]

321.290 [Formerly 528.070; repealed by 1973 c.348 §5 (321.291 enacted in lieu of 321.290)]

321.291 [1973 c.348 §6 (enacted in lieu of 321.290); repealed by 1977 c.892 §51]

321.292 [1977 c.892 §7a; repealed by 1985 c.759 §40]

321.295 [Formerly 528.080; 1963 c.109 §1; 1967 c.59 §1; 1973 c.348 §7; repealed by 1977 c.892 §51]

321.297 [1977 c.892 §8; 1979 c.438 §1; 1981 c.623 §7; repealed by 1985 c.759 §40]

321.299 [1985 c.759 §21b; 1989 c.966 §23; 1991 c.459 §282; 1993 c.801 §11; repealed by 1999 c.1078 §86]

321.300 [Formerly 528.090; 1967 c.105 §7; repealed by 1977 c.892 §51]

321.372 [1977 c.892 §29; 1979 c.350 §15; 1983 c.462 §16; 1985 c.759 §25; 1991 c.459 §296; repealed by 1999 c.314 §94]

321.375 [1981 c.428 §3; 1985 c.759 §26; 1991 c.459 §297; 1993 c.270 §72; repealed by 2003 c.621 §22]

321.377 [1977 c.892 §53; repealed by 1985 c.759 §40]

321.379 [1989 c.1083 §5; 1993 c.653 §14; 1995 c.350 §3; 1999 c.1078 §27; repealed by 2003 c.621 §22]

321.381 [1989 c.1083 §6; 1999 c.1078 §72; repealed by 2003 c.621 §22]

321.390 Land used to grow certain hardwood to be assessed as farm use land; application required for unzoned land. (1) Land described in ORS 321.267 (3) (relating to hardwood timberland, including hybrid cottonwood timberland) shall be assessed as farm use land under ORS 308A.050 to 308A.128.

(2)(a) If land is or becomes land described under ORS 321.267 (3) and the land is not located within an exclusive farm use zone, the owner shall make application for special valuation as farm use land in the manner provided under ORS 308A.077, as follows:

(A) If the change in use takes place on or after July 1, the owner shall file the application on or before April 1 of the following year.

(B) If the change in use takes place prior to July 1, the owner shall file the application on or before August 1 of the same year.

(b) If an application is filed as provided under this subsection, the owner shall have seven years beginning with the first year of classification to meet the income requirements of ORS 308A.071 and need not meet the two-year farm use requirements of ORS 308A.068. [1989 c.887 §8; 1991 c.459 §298; 1999 c.314 §52; 2003 c.454 §126; 2003 c.621 §20a]

321.405 [1961 c.627 §1; 1971 c.654 §7; 1983 c.539 §3; 1985 c.759 §27; 1993 c.653 §15; 1993 c.801 §22; 1999 c.631 §3; repealed by 2003 c.621 §35b]

321.408 [1993 c.801 §25; 2003 c.621 §29; renumbered 321.808 in 2003]

321.410 [1961 c.627 §2; 1993 c.801 §23; 2003 c.621 §30; renumbered 321.817 in 2003]

→ **321.415** [1961 c.627 §5; 1963 c.60 §1; 1977 c.892 §39; 1983 c.657 §3; 1991 c.714 §1; 1993 c.801 §26; 1995 c.79 §176; 1997 c.154 §52; 1999 c.1078 §49; 2001 c.46 §2; 2001 c.114 §45; 2003 c.454 §112; 2003 c.621 §31; renumbered 321.824 in 2003]

321.420 [1961 c.627 §3; 1963 c.225 §1; 1971 c.654 §8; 1993 c.801 §27; 1999 c.19 §8; 1999 c.1078 §51; 2003 c.621 §32; renumbered 321.829 in 2003]

321.421 [1993 c.801 §29; 1999 c.1078 §53; repealed by 2003 c.621 §35b]

321.425 [1961 c.627 §4; 1977 c.892 §39a; repealed by 1993 c.801 §43]

321.426 [1991 c.714 §3; 1993 c.801 §39; repealed by 2003 c.621 §35b]

321.430 [1961 c.627 §4a; 1983 c.563 §3; 1985 c.761 §19; 1993 c.98 §15; 1993 c.653 §17; 1993

321.815 [1971 c.654 §4; 1977 c.884 §24; 1981 c.804 §94; 1983 c.462 §9; 1983 c.657 §1; 1991 c.459 §315; 1993 c.801 §35a; 1997 c.541 §§408,408a; 1999 c.314 §93; 1999 c.1078 §76; 2003 c.621 §59; renumbered 321.839 in 2003]

321.816 [1999 c.1078 §43; repealed by 2003 c.621 §63]

321.817 Legislative findings. It is hereby found that:

(1) Multiple taxation through a yearly ad valorem levy on both trees and forestland managed in sustained yield timber operations discourages conservation, private ownership and investment of capital.

(2) The interests of the state, its citizens and future citizens are best served by sustained yield practices and tax policies that encourage production of forest resources for commerce, recreation and watersheds, stabilize employment levels, prevent large population shifts and encourage millage of timber products within Oregon.

(3) Timber on private lands managed on a sustained yield basis should be treated as a crop and not taxed as real property.

(4) That portion of our state lying east of the summit of the Cascade Mountains differs greatly in forest tree types, soils, climate, growing conditions and topography from western Oregon.


(5) Eastern Oregon forests predominate in Ponderosa pine and associated species, while western Oregon forests predominate in Douglas fir and associated species. [Formerly 321.410]

321.820 [1971 c.654 §5; 1973 c.296 §1; 1977 c.870 §53; 1977 c.893 §21a; 1983 c.462 §10; 1983 c.563 §5; 1987 c.158 §54; 1991 c.459 §316; 1995 c.650 §98; 1999 c.314 §53; renumbered 321.842 in 2003]

321.821 [1991 c.459 §316b; repealed by 1991 c.459 §316b(2)]

321.822 [1993 c.5 §6; 1999 c.314 §54; renumbered 321.845 in 2003]

321.823 [1983 c.462 §12; repealed by 2003 c.621 §63]

 **321.824 Lands not eligible for special assessment.** (1) Lands assessed by the Department of Revenue pursuant to ORS 308.505 to 308.665 or 308.805 to 308.820 may not be assessed under ORS 321.805 to 321.855.

(2) Land used exclusively for growing cultured Christmas trees may not be assessed under ORS 321.805 to 321.855.

(3) Land that is used to grow hardwood timber, including but not limited to hybrid cottonwood, may not be assessed under ORS 321.805 to 321.855 if:

(a) The land is prepared using intensive cultivation methods and is cleared of competing vegetation for at least three years after tree planting;

(b) The timber is of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;

(c) The timber is harvested on a rotation cycle within 12 years after planting; and

(d) The land and timber are subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

(4) Nothing contained in ORS 321.805 to 321.855 shall prevent:

(a) The collection of ad valorem property taxes that became a lien against timber prior to July 1, 1962.

(b) The collection of taxes, charges or assessments made pursuant to law for protection.

(c) The collection of taxes levied under the provisions of ORS 321.005 to 321.185 and 321.560 to 321.600. [Formerly 321.415; 2005 c.94 §107]

3. Lane Code 16.211(2)(k): Impacted Forest Lands Zone (F-2) Mass Gathering Text Correction

Intent: Correct mass gathering citation error.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.211(2):

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(~~f-f~~) **(e-e)** below.

LC 16.211(2)
Permitted Uses

A.3
Existing Code

16.211

Lane Code

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separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.



(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(f-f) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

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

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j),

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

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provide service hookups, including water service hookups.

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

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

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

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

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

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

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

(iv) Shall not significantly conflict with the existing uses on adjacent and nearby lands.



(e-e) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000.

4. Lane Code 16.212(3)(w): Exclusive Farm Use Zone (EFU) Mass Gathering Text Correction

Intent: Correct mass gathering citation error.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.212(3):

(w) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(~~i-i~~) **(f-f)** below.

**LC 16.212(3)
Permitted Uses**

**A.4
Existing Code**

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operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonable be necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. The site shall not include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection. As used in this subsection, "model aircraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.

(s) The breeding, kenneling and training of greyhounds for racing subject to compliance with the following requirements:

(i) New uses described in LC 16.212(3)(s) above are not permitted on high value farm land;

(ii) Lawfully existing uses described in LC 16.212(3)(s) above that are wholly within the Exclusive Farm Use zone may be expanded on the same tract; and

(iii) Notwithstanding LC 16.212(3)(s)(i) above, lawfully existing facilities described in LC 16.212(3)(s) above that are located on high value farmland may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(t) Fire service facilities providing rural fire protection services.

(u) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(v) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(i) A public right of way;

(ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(iii) The property to be served by the utility.

(w) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(i-i) below.

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. .

(a) Home occupations that comply with these requirements:

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

(ii) Shall employ on the site no more than five full-time or part-time persons;



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16.212

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) above, lawfully existing facilities described in LC 16.212(4)(d-d) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(e-e) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(e-e) are not permitted on high value farm land;

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

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(e-e)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.



(f-f) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and that comply with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(g-g) Armed forces reserve center, if the center is within one half mile of the main campus of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.

(h-h) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community and that comply with LC 16.212(10)(f) through (g) below.

(i-i) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including

5. Lane Code 16.212(7)(d): Exclusive Farm Use Zone (EFU) Dwelling Text Correction

Intent: Correct EFU dwelling citation error.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.212(7):

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(~~d~~)(**c**) above is allowed subject to compliance with the following requirements:

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16.212

- (i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;
- (ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;
- (iii) The subject tract is currently employed for farm use as defined in LC 16.090;
- (iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
- (v) LC 16.212(10)(h) below.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years or three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

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



(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

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



(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(d) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

6. Lane Code 16.213(4): Natural Resources Zone (NR) Hearings Official Text Correction

Intent: Correct Hearings Official reference.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.213:

(4) Special Uses - ~~Director~~ **Hearings Official** Approval. The following uses are subject to approval by the Hearings Official pursuant to LC 14.300:

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

16.213

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16.213

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



(4) Special Uses - Director Official Approval. The following uses are subject to approval by the Hearings Official pursuant to LC 14.300:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04)*

7. Lane Code 16.214(2)(b): Marginal Lands Zone (ML) Dwelling Provision Text Correction

Intent: Correct property development standards citation error.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.214(2):

(b) A dwelling or mobile home on a vacant legal lot pursuant to the requirements of LC 16.214(~~6~~)
~~(7)~~ below.

16.214

Lane Code

16.214

MARGINAL LANDS ZONE (ML-RCP) - RURAL COMPREHENSIVE PLAN

16.214 Marginal Lands Zone (ML-RCP).

(1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:

- (a) Provide an alternative to more restrictive farm and forest zoning.
- (b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part-time farm or forest operations.
- (c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.

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

(a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.



(b) A dwelling or mobile home on a vacant legal lot pursuant to the requirements of LC 16.214(6) below.

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

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:

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

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

(iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home.

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

(vi) The temporary mobile home will comply with sanitation and building code requirements.

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

(d) Part-time farms.

(e) Woodlots.

(f) Intensive farm or forest operations, including, but not limited to, farm use.

(g) Nonresidential buildings customarily provided in conjunction with farm use.

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16.214

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate or other mineral resources or other subsurface resources.

(6) Area. Land in a Marginal Land zone may be divided as follows:

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

(b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197.

(c) A parcel of any size necessary to accommodate any of the nonresidential uses identified in LC 16.214(2)(h),(i),(j),(l) and (n) and LC 16.214(3)(a), (c),(f) and (g).



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

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

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

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

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

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

(d) Height. None.

(e) Signs.

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

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

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

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

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.214(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource

8. Lane Code 16.233: Historic Structures of Sites Combining Zone (/H) Text Correction

Intent: Correct Historic Structures and Sites Combining Zone title.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.233:

HISTORIC STRUCTURES ~~OF~~ **AND** SITES COMBINING ZONE (/H-RCP)
RURAL COMPREHENSIVE PLAN

16.233 Historic Structures of **and** Sites Combining Zone (/H-RCP).

(1) Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

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(6) Area. The ratio of developed (structures, paved surfaces, facilities) to undeveloped land shall not exceed 50 percent. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 5-04, 7.1.04)*



**HISTORIC STRUCTURES OF SITES COMBINING ZONE (/H-RCP)
RURAL COMPREHENSIVE PLAN**

16.233 Historic Structures of Sites Combining Zone (/H-RCP).

(1) Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

(2) Permit Required. No person may alter or demolish any Historic Structure or Site, unless a permit to do so has been issued by the Department upon review in accordance with the provisions of this section.

(3) Issuance of Permits. An application for a permit to alter or demolish an Historic Structure or Site shall be made by the owner, or his or her authorized agent, in the same manner as provided for in this Chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

(4) Planning Director Review. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

(5) Criteria.

(a) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met: Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

9. Lane Code 16.238(6)(f): Prime Wildlife Shorelands Combining Zone (/PW) Setback Text Correction

Intent: Correct additional setback requirements citation.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.238(6)(f):

(f) The shoreward half of the setback area specified by LC 16.238(~~8~~)(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

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

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

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a) above. Where vegetation removal beyond that allowed in LC 16.238(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

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

(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).



(f) The shoreward half of the setback area specified by LC 16.238(8) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7) below.

(i) All trees must be retained within the setback area specified by LC 16.238(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

(k) The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.



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

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

10. Lane Code 16.243(10): Beaches and Dunes Combining Zone (/BD) Preliminary Investigation Text Correction

Intent: Correct Beaches and Dunes Preliminary Investigation language.

Rationale: Extraneous text included in provision.

Proposed amendments to the text: Deletions of the text indicated with ~~strike through~~.
Additions to the text indicated with **bold underlined**.

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(10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting ~~zone is combined~~, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:

- (a) The dune landform(s) present on the site.
- (b) Hazards associated with the site.
- (c) Hazards presented by adjacent sites.
- (d) Existence of historical or archeological sites.
- (e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.
- (f) Potential development impacts, including cumulative impacts.
- (g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

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(7) Coastal Shore Setback Requirements. Any development, with the exception of development provided for as special uses in LC 16.243(4)(a) above, which is permitted adjacent to ocean beaches must be setback from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the Preliminary Investigation indicates hazard to the site due to:

- (a) Low elevation of the site with respect to potential for wave action.
- (b) Instability of dune landforms protecting the site from wave action.

(8) Additional Site and Development Requirements. The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(7)(a) above shall be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development shall result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent shall be prohibited from development.

(g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

(h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.

(9) Area Requirements. The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:

(a) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.

(b) No more than five percent impervious surface shall be allowed.



(10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting zone is combined, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:

(a) The dune landform(s) present on the site.

(b) Hazards associated with the site.

(c) Hazards presented by adjacent sites.

(d) Existence of historical or archeological sites.

(e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.

(f) Potential development impacts, including cumulative impacts.

(g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

11. Lane Code 16.246(5)(c): Airport Safety Combining Zone (/AS) Horizontal Surface Text Correction

Intent: Correct 'Horizontal Surface' description.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~striketrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.246(5):

(c) Horizontal Surface. A horizontal ~~plan~~ **plane** 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

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producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(4) Uses Prohibited. The area lying beneath the Approach Surface beginning at the end of the Primary Surface and extending outward a horizontal distance of 1,000 feet shall be considered to be a clear zone. Within this clear zone, no structure or object, except for fences and navigational aids approved by the airport operator, shall be erected, placed, altered, allowed to grow or be maintained above the surface of the ground.

(5) Surface Described.

(a) Approach Surface. A surface longitudinally centered on the runway centerline, extending outward and upward from the ends of the Primary Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 5,000 feet and widening from the width of 250 feet to 1,250 feet at its outer edge.

(b) Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 4,000 feet. This surface rises from 150 feet above the runway and extends to a height of 350 feet above the runway.



(c) Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

(d) Primary Surface. The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of the prepared runway surface and having a width of 250 feet. For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway as the same are specified in LC 16.246(2) above. The centerpoints at the ends of each Primary Surface shall be considered as having the following coordinates:

	<u>North Coordinate</u>	<u>East Coordinate</u>
Cottage Grove Airport	787358	1331306
	790828	1331606
Creswell Airport	833934	1339698
	836415	1339781
Oakridge Airport	766146	1472836
	767325	1469017
McKenzie Bridge Airport	920159	1582521
	920810	1585438
Florence Airport	868731	1050341
	869823	1049883

(e) Transitional Surfaces. These surfaces extend outward at 90 degree angles from the sides of the Primary Surface and Approach Surface at a slope of one horizontal foot to seven vertical feet to their intersection with the Horizontal Surface. This surface extends to a height of 150 feet above the runway.

(6) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the airport operator.

(7) Special Requirements for Construction Permits. Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile home or other structure designed and intended for human occupancy until the property

12. Lane Code 16.252(3)(b): Procedures for Zonings, Rezoning, and Amendments Text Correction

Intent: Correct Planning Commission reference.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.252(3):

(b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commissions that they consider the proposed zoning, rezoning or amendment.

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(13) Conditions of Approval. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:

- (a) Special yards and spaces.
- (b) Fences and walls.
- (c) Special parking and/or loading provisions.
- (d) Street dedication and improvements or bonds in lieu of improvements.
- (e) Control of points of vehicular ingress and egress.
- (f) Special provisions for signs.
- (g) Landscaping and the maintenance of grounds.
- (h) Control of noise, vibration, odors or other similar nuisances.
- (i) Limitation of time for certain activities.
- (j) A time period in which a proposed use shall be developed.
- (k) A limit of total duration of use. *(Revised by Ordinance 7-87, Effective 6.17.87; 4-91, 5.17.91)*

**PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO
REQUIREMENTS
RURAL COMPREHENSIVE PLAN**

16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

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

(3) Initiation/Application.

(a) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board as provided in LC 16.252(3)(b) below.

(b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commissions that they consider the proposed zoning, rezoning or amendment.

(c) By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.

(4) Moratorium on Permits and Applications -- Legislative Matters.

(a) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.



13. Lane Code 16.252(4)(c): Procedures for Zonings, Rezoning, and Amendments Text Correction

Intent: Correct Hearings Official reference.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.252(4):

(c) The provisions of this subsection shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing zoning requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map or subdivision plant.

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(b) After such final action, granting of subsequent Applications or requests shall be in accordance with the requirements of the zoning classification or requirements as amended by the final action.

(c) The provisions of this subsection shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing zoning requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map or subdivision plan.



(5) Planning Commission Public Hearing and Notice -- Legislative Matters.

(a) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(b) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

(c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.

(6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.

(7) Action by the Board.

(a) Unless the Board and Planning Commission hold a concurrent hearing, upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 16.252(6) above, the Board shall schedule a public hearing as provided in LC 16.252(7)(b) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(b) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board may first refer the proposed alteration or modification to the Planning Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

(9) Official Zoning Map.

(a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.

(b) The Zoning Map shall be established by ordinance. Subsequent amendments to the Official Zoning Maps, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of LC 16.014, LC 16.015, and this section.

(10) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application,

14. Lane Code 16.258(7)(d): Clearlake Watershed Protection Zone (CLWP) Building Code Text Correction

Intent: Update building code reference.

Rationale: Existing language contains outdated reference to building code.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.258(7)(d):

(d) All roofed structures regulated by the ~~Uniform Building Code~~ **Oregon Structural Specialty Code or Oregon Residential Specialty Code** shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrestor.

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(ii) Access to launch sites on the Lakes not to exceed 15 feet in width;

(iii) Maintenance of existing roadways, footpaths, and open space;

(iv) Maintenance, repairs, additions to or replacement of any existing structures or improvements; and

(v) Vegetation removal consistent with LC 16.258(11).

(vi) Necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration, distribution and/or transmission facilities.

(d) Application of petroleum products on graveled surfaces, except as used as preparation for an asphalt concrete or like surface.

(e) Using or storing materials within the Watershed in a manner that poses a significant threat to water quality in the Lakes.

(f) Constructing or installing in the Lakes any structure, including but not limited to, shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins, with materials that pose a significant threat to water quality in the Lakes, such as railroad ties treated with creosote or other materials treated with hazardous substances on a list published by DEQ.

(g) Engaging in an activity or allowing a situation to exist on property within the Watershed which will cause erosion resulting in sediments and materials being deposited in the Lakes which pose a significant threat to water quality in the Lakes. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or a construction project on the property which will cause erosion prohibited by LC 16.258(6)(g) shall take precautions to prevent that erosion during the permitted activity and thereafter. Such precautions may include, but are not limited to:

(i) Temporary or permanent soil stabilization structures or practices, or both;

(ii) Temporary or permanent sediment control devices or both;

(iii) Avoiding unnecessary excavation and removal of indigenous vegetation; and

(iv) Replacement of removed vegetation within 60 days following completion of the construction activity

(7) Objective Standards for Structures. A plot plan shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(a) No structure other than a fence or sign shall be located closer than 20 feet from the right-of-way of a state, county or local public access road specified in LC Chapter 15.

(b) No structure other than a fence or sign shall be located closer than 10 feet to an adjoining property line, except that for any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the structural setback for property lines other than front-yard shall be five feet.

(c) Cornices, canopies and eaves may extend two feet into any required setback area.



(d) All roofed structures regulated by the Uniform Building Code shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrester.

(e) New dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be sited to provide fuel breaks as required by LC 16.258(12) on land surrounding the dwelling that is owned or controlled by the owner.

(8) Objective Development Standards for Dwellings.

15. Lane Code 16.264(2): Telecommunications Tower Standards Text Correction

Intent: Correct collocation citation error in Changeout definition.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.264(2):

(2) Definitions. As used in LC 16.264, the following words and phrases mean:

Changeout. Reconstruction or replacement of existing collocations or transmission towers with similar equipment, in conformance with LC 16.264(3)(h).

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Attachment. An antenna or other piece of related equipment affixed to a transmission tower.



Changeout. Reconstruction or replacement of existing collocations or transmission towers with similar equipment, in conformance with LC 163.264(3)(h).

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building.

Provider. A person in the business of designing and/or using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Telecommunication Facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, related telecommunication equipment, towers and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

Tract. A unit of land comprised of adjacent parcels and lots under the same ownership.

Transmission Tower. The structure, such as a monopole or lattice framework, designed to support transmitting and receiving antennae and related telecommunication equipment. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

(3) Standards applicable to all telecommunication facilities.

(a) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.

(b) Based on the existing conditions and vegetation at the site, telecommunication facilities shall be designed and constructed to reduce visibility of the facilities. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.

(i) The transmission tower shall be surfaced in a non-reflective material that minimizes glare and is colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background.

(ii) The antenna, related telecommunication equipment and ancillary facilities shall be surfaced in non-reflective material to match the transmission tower. If not attached to a transmission tower, they shall be colored similar to the adjacent background.

(c) Consideration shall be given to other sites and equipment that would have less visual impact than those proposed. The applicant shall demonstrate that less intrusive sites and equipment are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

(d) No lighting of telecommunication facilities is allowed, except as required by the Federal Aviation Administration, Oregon Department of Aviation or other federal or state agencies. Required lighting shall be shielded from the ground to the extent it does not violate state or federal requirements.

(e) Equipment areas shall be enclosed by a chain link fence or equivalent.

(f) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

(g) Maintenance and repair of a lawfully existing telecommunication facility does not require a land use application approval.

16. Lane Code 16.290(2)(d)(i): Rural Residential Zone (RR) Temporary Medical Hardship Correction

Intent: Correct Rural Residential Temporary Medical Hardship Director reference.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~striketrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.290(2)(d):

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured dwelling or duplex, or a relative of the resident, subject to compliance with these requirements:



(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured dwelling or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured dwelling or park model recreation vehicle; or

(iii) A resident of the temporary manufactured dwelling or park model recreation vehicle is a relative of a resident of the existing dwelling, manufactured dwelling or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence and general nature of the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured dwelling or park model recreation vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured dwelling or duplex.

(vi) The temporary manufactured dwelling or park model recreation vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured dwelling or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured dwelling or park model recreation vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured dwelling or park model recreation vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured dwelling or park model recreation vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

17. Lane Code 16.290(2)(h)(ix): Rural Residential Zone (RR) Building Code Text Correction

Intent: Update building code reference.

Rationale: Existing language contains outdated reference to building code.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.290(2)(h):

(ix) Use of buildings or structures for the home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the ~~1997 Uniform Building Code~~ **Oregon Structural Specialty Code**.

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before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the home occupation shall comply with LC 5.700, NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the home occupation and/or home office property shall be limited to persons who qualify as workers of the home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the home occupation and/or home office property.



(ix) Use of buildings or structures for the home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the 1997 Uniform Building Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

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

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

18. Lane Code 16.292(3): Rural Industrial Zone (RI) Director Approval Text Correction

Intent: Correct Rural Industrial Property Use and Development Standards citation error.

Rationale: Existing language contains a scrivener's error.

Proposed amendments to the text: Deletions of the text indicated with ~~strikethrough~~.
Additions to the text indicated with **bold underlined**.

LC 16.292:

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (p) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through ~~(g)~~ **(i)** below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

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- (d) Fish and wildlife habitat management.
- (e) A single family living quarters for a caretaker that meets the following conditions:
 - (i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;
 - (ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and
 - (iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.
- (f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (p) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (g) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

- (i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or
- (ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or
- (iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.



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(iii) The parcel or lot is located outside the urban growth boundary of every city with a population of fewer than 15,000 individuals; and

(iv) When the Director considers action under LC 16.292(3)(p) on a parcel or lot within 10 miles of the urban growth boundary of any city, the Director shall give written notice to the city at least 21 days prior to issuing a decision; and

(v) If the city objects to the authorization of the proposed industrial development, the Director shall negotiate with the city to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(vi) LC 16.292(3)(p) is repealed on January 2, 2006. Any submitted application pursuant to LC 16.292(3)(p) received by the Director prior to January 2, 2006, that has been determined to be complete when first submitted or within the time allowed for submission of requested additional material pursuant to LC 14.050, shall be processed by the Director in compliance with LC 14.050(5) and LC 14.100. Processing of timely submitted applications beyond the repeal date of January 2, 2006, shall not extend beyond January 2, 2007.

(q) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(r) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

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

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k) and (n) through (p) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

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

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

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

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous

