

Summary of Text Clarification Amendments to Chapter 16

- 1. Lane Code 16.211(4)(a)(i)(bb); 16.212(5)(a)(i)(bb); 16.290(2)(b)(ii): Impacted Forest Lands Zone (F-2), Exclusive Farm Use Zone (EFU), Rural Residential Zone (RR) Replacement Rights Text Clarification**
- 2. Lane Code 16.211(8)(a)(iii): Impacted Forest Lands Zone (F-2) Siting Standards Text Clarification**
- 3. Lane Code 16.243(4)(c)(ii)(cc): Beaches and Dunes Combining Zone (/BD) Site Investigation Report Text Clarification**
- 4. Lane Code 16.250(4)(d): Parking Text Clarification**
- 5. Lane Code 16.264(3)(i): Telecommunications Fire Siting Standards Text Clarification**
- 6. Lane Code 16.290(4)(a): Rural Residential Zone (RR) Livestock Management Text Clarification**
- 7. Lane Code 16.290(4)(g): Rural Residential Zone (RR) Sewage Disposal System Text Clarification**

1. Lane Code 16.211(4)(a)(i)(bb); 16.212(5)(a)(i)(bb); 16.290(2)(b)(ii): Impacted Forest Lands Zone (F-2), Exclusive Farm Use Zone (EFU), Rural Residential Zone (RR) Replacement Rights Text Clarification

Intent: Clarify Replacement Rights provision in Impacted Forest Lands, Exclusive Farm Use, and Rural Residential zones.

Rationale: In demonstrating replacement rights for a dwelling pursuant to these provisions, an applicant need only prove that the dwelling predates restrictive zoning regulations that specifically pertain to dwellings, rather than proving that the dwelling predates any zoning whatsoever. This is because certain historic zoning designations permitted dwellings outright, without the need for land use approval.

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

LC 16.211(4)(a)(i)

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates ~~the zoning~~ **that would restrict or regulate the establishment of a dwelling on** of the subject property.

LC 16.212(5)(a)(i)

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates ~~the zoning~~ **that would restrict or regulate the establishment of a dwelling on** of the subject property;

LC 16.290(2)(b)

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates ~~the initial zoning~~ **that would restrict or regulate the establishment of a dwelling on** of the subject property. The Director shall determine when ~~the property was initially zoned~~ **restrictive zoning was enacted** based upon the official zoning records on file with the Department.

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(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or



(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates the zoning of the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) An alteration or replacement of a dwelling or manufactured dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling or manufactured dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling or manufactured dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(cc) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

(A) A public right of way; or

(B) Other land if the land owner provides written consent and the owner of the facility complies with ORS 215.275(4); and

(dd) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to the land;

(ii) Uses not allowed include:

(aa) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

(bb) The establishment and use of utility service lines allowed under LC 16.212(3)(r) above; and

(iii) If biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright, and a state or Lane County license, permit or approval in connection with the use is not a land use decision.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates the zoning of the subject property;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling shall be sited in the same location as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;



**RURAL RESIDENTIAL ZONE (RR)
RURAL COMPREHENSIVE PLAN**

16.290 Residential Zone (RR).

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

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

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates the initial zoning of the subject property. The Director shall determine when the property was initially zoned based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured dwelling or park model recreation vehicle on a lot or parcel, in addition to an existing dwelling, manufactured dwelling or



2. Lane Code 16.211(8)(a)(iii): Impacted Forest Lands Zone (F-2) Siting Standards Text Clarification

Intent: Clarify setback provision in siting standards.

Rationale: Existing phrase "...and 100 and at least 30 feet from the adjoining lines of property zoned F-2 or EFU" is unclear. This provision seemingly attempts to address two issues simultaneously: providing a setback, where possible, that can accommodate the 130 foot primary and secondary fuel breaks required in 16.211(8)(c); and reinforcing the 30 foot setback required in 16.211(8)(a)(v)(bb). There is no reason to distinguish the 30 foot setback, as it is already required in a following subsection. Simply stating "...and at least 130 feet from the adjoining lines of property zoned F-2 or EFU" accomplishes the purpose of the provision in a more precise manner.

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

LC 16.211(8)(a)

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and ~~100~~ and at least **130** feet from the adjoining lines of property zoned F-2 or EFU; and

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(e) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(f) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h) and (j), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

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

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 and at least 30 feet from the adjoining lines of property zoned F-2 or EFU; and

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



Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

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

(bb) 30 feet from all other property lines; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

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

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

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

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

Size of the Primary Safety Zone by Percent Slope

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

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

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

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be

3. Lane Code 16.243(4)(c)(ii)(cc): Beaches and Dunes Combining Zone (BD) Site Investigation Report Text Clarification

Intent: Correct Site Investigation Report citation error.

Rationale: The existing language contains a citation error that incorrectly references Area Requirements. Per Lane Manual 10.060, any Site Investigation Report requires a Preliminary Investigation (Development Hazard Checklist) beforehand in order to identify the necessary components of the Site Investigation Report. Therefore, LC 16.243(4)(c)(ii)(cc) should reference the Preliminary Investigation provision.

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

LC 16.243(4)

- (c) (i) Uses. Commercial removal of sand.
- (ii) Criteria.
 - (aa) The area is not an ocean beach.
 - (bb) Historic surplus accumulations of sand exist.
 - (cc) A Site Investigation Report, as **determined by the outcome of a Preliminary Investigation pursuant to** ~~specified by LC 16.243(9)(10) below is conducted.~~

**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)
RURAL COMPREHENSIVE PLAN**

16.243 Beaches and Dunes Combining Zone (/BD-RCP).

(1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:

(a) Ensure the protection and conservation of coastal beach and dune resources.

(b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

(c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

(d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.

(e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.

(2) Intent. The requirements imposed by the /BD-RCP Zone shall be in addition to those imposed by the underlying zone. Where the requirements of the /BD-RCP Zone conflict with those of the underlying zone, the more restrictive requirements shall apply.

(3) Permitted Uses. All permitted buildings and uses allowed in the respective zone with which the /BD-RCP Zone is combined, except as may be provided otherwise by the provisions of LC 16.243(4) below.

(4) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:

(a) (i) Uses. Beachfront protective structures.
(ii) Criteria.
(aa) The structure is to protect development existing on January 1, 1977.

(bb) Visual impacts are minimized.
(cc) Public access is preserved.
(dd) Negative impacts on adjacent property are minimized.
(ee) Long-term or recurring costs to the public are avoided.

(b) (i) Uses. Buried fuel tanks.
(ii) Criteria.
(aa) The tanks are entirely free of leaks and have an impermeable coating.

(bb) The tank is located, to the greatest extent feasible, in a well-drained area.
(cc) The tank is not located in active foredunes, on other conditionally stable foredunes which are subject to ocean undercutting or wave overtopping, and on deflation plains subject to ocean flooding.

(c) (i) Uses. Commercial removal of sand.
(ii) Criteria.
(aa) The area is not an ocean beach.
(bb) Historic surplus accumulations of sand exist.
(cc) A Site Investigation Report, as specified by LC

16.243(9) below is conducted.



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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 impermeable 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) Fee for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

→ (12) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(13) Notification of SIR Requirement. The Planning Director shall notify the applicant of the results of the Preliminary Investigation and if a SIR shall be required. The notification shall be by mail within 10 days of completion of the Preliminary Investigation.

(14) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(15) Qualifications for SIR Preparation. The SIR shall be prepared by a person or team of persons qualified by experience, training and area. The applicant shall either:

(a) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, and approved by the Board of County Commissioners; or

(b) Designate a person or team of persons to prepare the SIR with said persons' qualifications, subject to the approval of the Planning Commission, based on standards established by the Board of County Commissioners.

(16) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(17) Condition Imposed Based on SIR Recommendations. Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD-RCP Zone.

(18) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500.

(19) Applicable Geographical Features. The /BD-RCP Zone is applied to all coastal beach and dune landforms as specified in the Lane County Rural Comprehensive Plan. These are:

- (a) Beaches.
- (b) Foredunes.
- (c) Active dune forms.
- (d) Recently stabilized dune forms.
- (e) Older stabilized dune forms.
- (f) Interdune forms.

The boundaries of the /BD-RCP Zone are shown on the Lane County zoning maps as specified by LC 16.252.

(20) Application of Zone to Federal Lands. The application of the /BD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96)*

4. Lane Code 16.250(4)(d): Parking Text Clarification

Intent: Clarify parking standards language

Rationale: Reference to screening was omitted from text.

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

LC 16.250(4)

(d) When a parking lot adjoins property classified in an "R" Zone, the setback for the parking lot shall conform to the requirements for the adjacent "R" Zone and **the ornamental fence, wall, or hedge enclosing** the parking lot shall be six feet in height.

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(2) Nonresidential Private Parking.

(a) Automobile parking space allowing 300 square feet per automobile (parking, plus driving space) shall be provided and maintained for any new or enlarged building as listed below:

(i) Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure; provided that 50 percent of the required number may be supplied by off street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal operating hours of the place of assembly.

(ii) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first 20 individual guest rooms, and one additional parking space for every three guest rooms in excess of 20.

(iii) Auto courts shall provide at least one parking space for each lodging unit.

(iv) For fraternity, sorority and student houses, at least one parking space for each lodging unit.

(v) For hospitals and welfare institutions, at least one permanently maintained parking space for each 300 square feet of floor area.

(vi) Clinics shall provide at least two parking spaces for each consultation and operating room.

(vii) For business or commercial buildings or structures, at least one permanently maintained parking space for every 300 square feet or fraction thereof of floor space within the building, exclusive of automobile parking space.

(viii) Mortuaries shall provide parking spaces for all people employed therein, plus at least one parking space for each 200 square feet of building floor area.

(b) Parking spaces shall be on the lot with the main building or structure, or located not more than 800 feet therefrom.

(3) Loading Space. In addition to the 10-foot setback requirement from the centerline of the alley, every hospital, hotel, institution, commercial or industrial building hereafter erected or established which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space for commercial vehicles of not less than 10 feet in width and 22 feet in length for each 4,000 square feet of lot area or fraction thereof upon which the building is located; provided that not more than two such loading spaces shall be required.

(4) Public Parking Areas. Land hereafter used for public parking areas shall be developed according to the following standards:

(a) Asphaltic, concrete or other approved type of surfacing.

(b) Bumper guards where needed.

(c) An ornamental fence, wall or hedge enclosing the parking area to a height not less than three feet nor more than six feet, but adhering to the vision clearance and front and side yard setbacks established for the zone district in which it is located. Said fence, wall or hedge shall be maintained in good condition.

(d) When a parking lot adjoins property classified in an "R" Zone, the setback for the parking lot shall conform to the requirements for the adjacent "R" Zone and the parking lot shall be six feet in height.

(5) Height.

(a) Height limits established for the various zones refer to the height of the building proper. Roof structures, such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures, may exceed the height limit herein prescribed.



5. Lane Code 16.264(3)(i): Telecommunications Fire Siting Standards Text Clarification

Intent: Clarify applicability of forest fuel break and road standards for new and replacement towers and generators.

Rationale: The existing forest fuel break and road standards are contained within subsection (3) Standards Applicable to All Telecommunications Facilities. However, there is not always a clear nexus between proposed antenna collocations on existing structures and fuel break and road/driveway requirements. For example, some collocation proposals do not involve generating equipment, and some collocations are proposed on existing towers accessed by miles of forest roads. In these instances, there is not a clear connection between the proposal and the code requirement. However, when new or replacement generating equipment or towers are proposed, there is a direct nexus with the forest fuel break and road standards.

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

LC 16.264(3)

(i) Within a forest zone, the following standards shall apply:

(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing **new or replacement** propane or gas powered generating equipment. Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

(ii) Private roads and driveways that provide access to **new or replacement** transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

(h) Changeouts. The changeout of an existing transmission tower or collocation does not require a land use application when the following criteria apply:

(i) The new equipment does not increase the tower height or base diameter.

(ii) No new lights are proposed unless required by the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).

(iii) The new equipment does not increase the number of antennas or external transmitters. Existing antennas and external transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters.

(iv) The replacement antennas or external transmitters shall not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.

(v) The new equipment shall have a similar exterior color as the existing equipment.

(i) Within a forest zone, the following standards shall apply:

(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing propane or gas powered generating equipment. Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

(ii) Private roads and driveways that provide access to transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

(j) Notice. In lieu of the notice area in LC 14.100(4) and 14.300(3)(d), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.100(4) or 14.300(3)(d), as applicable.

(4) Standards for a new or replacement transmission tower.

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

(b) Neighborhood meeting. Prior to submittal of a land use application, the applicant shall conduct a neighborhood meeting in the general area of the proposed telecommunication tower.

(i) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting in conformance with 16.264(3)(j). In addition, the notice shall be sent to tenants living within the noticed area. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the



6. Lane Code 16.290(4)(a): Rural Residential Zone (RR) Livestock Management Text Clarification

Intent: Clarify Rural Residential livestock provision requiring Director Approval.

Rationale: The current language is unclear. LC 16.290(2)(i) refers to feeding, breeding and management of livestock, poultry, or fur bearing animals, but does not reference stables, riding academies, or commercial riding. Therefore, under this provision, the latter three uses are in addition to the former uses.

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

LC 16.290(4)

(a) ~~More-f~~**Feeding**, breeding and management of livestock, poultry, or fur bearing animals; **in excess of the standards in LC 16.290(2)(i) above, as well as** stables, riding academies, and commercial riding ~~than allowed in LC 16.290(2)(i) above.~~

16.290

Lane Code

16.290

necessarily be limited to, addressing the compatibility of these rural home business operation concerns:

- (i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;
- (ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;
- (iii) Fire safety;
- (iv) The hours of operation;
- (v) Any noise or odors;
- (vi) Outdoor lighting; and
- (vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for rural home businesses shall be valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the rural home business and written information. The Director shall determine if the rural home business has been operated in compliance with the conditions of approval. Rural home businesses that continue to be operated in compliance with the conditions of approval shall receive a two-year extension of the approval. Rural home businesses for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with LC 14.070(1). The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.500.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.



(a) More feeding, breeding and management of livestock, poultry or fur bearing animals, stables, riding academies and commercial riding than allowed in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

LC 16.290(2)
Permitted Uses

B. 6
Citation

16.290

Lane Code

16.290

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.

7. Lane Code 16.290(4)(g): Rural Residential Zone (RR) Sewage Disposal System Text Clarification

Intent: Clarify which Rural Residential sewage disposal systems require Director Approval.

Rationale: Existing language suggests that a sewage disposal system serving any use on a nearby property requires Director Approval. Because residential uses are permitted in the Rural Residential zone, a sewage disposal system serving a residential use is considered accessory to the permitted use. Such a system located on a nearby residentially zoned property may be allowed without the need for Director Approval, provided necessary easements are recorded. However, because most non-residential uses in the Rural Residential zone require Director Approval, a sewage disposal system serving a non-residential use on a nearby property is not accessory to a permitted use. Therefore, such a system requires Director Approval, pursuant to this provision.

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

LC 16.290(4)

(g) An onsite sewage disposal system for **a non-residential use on a** nearby property in a rural zone.



(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for nearby property in a rural zone.

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.

(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

(i) Shall be located at least:

(aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or

(bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and

(ii) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period; and

(iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and

02/19/10 Preliminary List of Code Amendments and Policy Issues (RE-GROUPED)

PROPOSED AMENDMENTS BY GOAL ONE COALITION

Grouping	Topic	Zone	RCP or LC	Summary/Problem/Issue	Fir/Notes
1	D&C Exception		RCP Goal 2, Policy 9	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
2	D&C Exception		RCP Goal 2, Policy 11	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
3	D&C Exception		RCP Goal 2, Policy 12	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
4	D&C Exception		RCP Goal 3, Policy 7	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
5	D&C Exception		16.400 (8)(9)(i)	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
6	Nonresource Land		RCP Goal 2, Policy 18	Restricts new "nonresource land" designations	Replacement language requiring exception to state Planning Goals to remove land from a forest or farm designation.
7	Nonresource Land		RCP Goal 2, Policy 19	Restricts new "nonresource land" designations	Removes policy 19 regarding residential densities for non-resource lands
8	F-1 / F-2 Zone Changes		RCP Goal 2, Policy 27	Amends policies regarding forest land zone changes from F-1 to F-2.	Replaces language regarding "conformity determinations"
9	F-1 / F-2 Zone Changes		RCP Goal 2, Policy 27 (b)(ii)	Amends policies regarding forest land zone changes from F-1 to F-2.	Replaces language regarding qualifying circumstances for consideration of conformity determinations
10	F-1 / F-2 Zone Changes		RCP Goal 4, Policy 15(c)	Amends policies regarding forest land zone changes from F-1 to F-2.	Replaces policy 15(a), inserts language regarding F-1 and F-2 characteristics.
11	F-1 / F-2 Zone Changes		RCP Goal 4, Policy 15	Amends policies regarding forest land zone changes from F-1 to F-2.	Deletes web version of RCP, Goal 4, Policy 15
12	F-1 / F-2 Zone Changes		16.090	Amends definition of a "tract"	Replaces current language with statutory language
13	F-1 / F-2 Zone Changes		16.090; 13.010	Deletes definition of "contiguous"	Deletes definition of "contiguous"
14	F-1 / F-2 Zone Changes		RCP Goal 4, Policy 7	Amends policies regarding minimum land division size in forest zone	Removes exceptions to 80 acre minimum
15	Compliance		14.050(3)(b)	Amends language regarding code compliance	Adds language regarding land use applications on properties containing an alleged violation
16	Home Occupation		16.090	Amends definition of "home occupation"	Adds standards regarding "home occupations"
17	Home Occupation	RR	16.290(2)(h)	Removes home occupation as permitted use in RR zone	Requires all home occupations to be subject to director approval, reference 16.290(3).
18	F-2 Template	F-2	16.211(5)	Amends language regarding manufactured homes included within a template dwelling application	Specifies that manufactured home must be permanent and in continuous existence since 1993
19	F-2 Template	F-2	16.211(5)(c)	Amends language regarding the placement of a "square template"	Amends language regarding the orientation of the "template" and the determination of the center of the property
20	F-2 Template	F-2	16.211(5)(c)	Amends language regarding the number of dwellings needed to qualify for a template test	Increases the number of dwellings (from 3 to 5) needed to qualify for a template test, requires that all dwellings must fall within the template
21	F-2 Template	F-2	16.211 (5)(a)	Amends language regarding a "tract" in a template dwelling application	Adds an ownership date (01/01/10) of the tract
22	F-2 Template	F-2	16.211(5)(c)	Amends language regarding the "rectangular template"	Adds language regarding the distance the tract must abut a road and the alignment of the rectangular template
23	F-2 Template		RCP Goal 4, Policy 8	Amends OAR citation regarding fire safety standards	Clarifies OAR citation
24	F-2 Template	F-2	16.211(8)(c)	Amends language regarding fire sitting standards	Removes language regarding fire sitting standards "or their equivalent"

25	New Zone/Plan Designation	RCP Policy Amendment	RCP Goal 2, Policy 25	Adds new plan designation and zone classification "Lands of Critical Importance"	Adds new plan designation and zone classification "Lands of Critical Importance"
26	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 2	Adds new policy 28 regarding greenhouse gas emissions and fossil fuel energy conservation	Adds new policy regarding greenhouse gas emissions and fossil fuel energy conservation
27	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 3	Adds new agricultural policy 17 regarding global warming and fossil fuels	Requires inventory of Agricultural land deemed to be of critical importance
28	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 4	Adds new forest policy 16 regarding global warming and fossil fuels	Requires inventory of Forest land deemed to be of critical importance
29	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 6	Adds new air quality policy 7 regarding greenhouse gas emissions	Sets goals for reducing greenhouse gas emissions
30	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 12	Adds new transportation policy 5 regarding global warming and fossil fuels	Requires transportation system impacts to meet greenhouse gas emission and energy consumption goals and objectives
31	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 13	Adds new energy conservation policy 4 regarding peak oil, peak natural gas, and peak coal	Requires the initiation of mitigation options in advance of peaking
32	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 13	Adds new energy conservation policy 5 regarding the oil depletion protocol	Adds language regarding reducing oil consumption by the world depletion rate
33	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 13	Adds new energy conservation policy 6 regarding minimizing adverse energy consequences of land development and building permit requests	Requires the development of standards for identifying, evaluation and minimizing adverse energy consequences associated with land development and building permits
34	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 13	Adds new energy conservation policy 7 regarding sources of electricity	Requires Lane County electricity to be generated by sources other than coal-fired plants unless carbon emissions are permanently sequestered.
35	Energy Conservation / Global Warming	RCP Policy Amendment	RCP Goal 14	Adds new urbanization policy 18 regarding global warming and fossil fuels	Requires Lane County to meet greenhouse gas emission and energy consumption goals and objectives

ISSUES IDENTIFIED BY LMD STAFF

Grouping	Topic	Zone	RCP or LC Citation	Summary/Problem/Issue	Fix/Notes	Staff Resource Requirements	Expected Level of Controversy
36	"Housekeeping"		Code Organization/Streamlining	Headings are misleading		Low	Low
37	"Housekeeping"	/BD	16.243(10)	*Any proposal for development, with the exception of minimal development or timber harvesting zone is combined, shall require a Preliminary Investigation...	Specifically, not all zones listed under a heading relate to that heading, i.e. "NONCONFORMING USES", "CONSERVATION ESTUARY ZONE...", and "NONIMPACTED FOREST LANDS ZONE".	Low	Low
38	"Housekeeping"		16.250(4)(d)	"... and the parking lot shall be six feet in height"	"... or timber harvesting zone is combined, ..." does not make sense. Strike "zone is combined"	Low	Low
39	"Housekeeping"	F-2; EFU; RR	16.211(4)(a)(i)(bb); 16.212(5)(a)(i)(bb); 16.290(2)(b)(ii)	"... predates the zoning of the subject property"	Should read "and the ornamental fence, wall or hedge enclosing the parking area shall be six feet in height." should read "predates zoning that would restrict or regulate dwelling use on the subject property"	Low	Low
40	"Housekeeping"	RR	16.290(4)(a)	"Move feeding, breeding and management of livestock, poultry or for bearing animals, stables, riding academies and commercial riding than allowed in LC 16.290(2)(i) above."	Unclear. (2)(i) relates to the number of animals and not stables and riding academies. Should read: "Feeding, breeding and management of livestock, poultry or for bearing animals in excess of the standards in LC 16.290(2)(i) above, as well as stables, riding academies, and commercial riding."	Low	Low
41	"Housekeeping"	RR	16.290(4)(g)	"An onsite sewage disposal system for nearby property in a rural zone."	Should be "... for a nonresidential use on nearby property."	Low	Low
42	"Housekeeping"	F-2; EFU; RR	16.211(5), (8), (10); 16.212(5), (6), (7)	References to "dwellings and manufactured dwellings" are redundant. The definition of dwelling includes manufactured homes. There is no definition of "manufactured dwelling."	Remove references to "...and manufactured dwellings"	Low	Low
43	"Housekeeping"		16.090 Farm Use. (4)	ORS 321.2671(e) or 321.415(5)	These ORS citations have changed	Low	Low
44	"Housekeeping"	F-2	16.211(2)(k)	"... subject to review under LC 16.211(3)(f) below."	(f) should be (e-c)	Low	Low
45	"Housekeeping"	EFU	16.212(3)(w)	"... subject to review under LC 16.212(4)(j-l) below."	(j-l) should be (f-f)	Low	Low
46	"Housekeeping"	EFU	16.212(7)(d)(i)	"... or woodlot required in LC 16.212(7)(g)(i) above"	16.212(7)(e)(i) should be 16.212(7)(c)(i)(e-a)	Low	Low
47	"Housekeeping"	NR	16.213(4)	"Special Uses - Director Official Approval."	'Director' should be 'Hearings'	Low	Low
48	"Housekeeping"	ML	16.214(2)(b)	"... requirements of LC 16.214(6) below."	(6) should be (7); (7) is development standards	Low	Low
49	"Housekeeping"	/H	16.233 Title (also in Table of Contents)	"HISTORIC STRUCTURES OF SITES COMBINING ZONE"	"OR" should be "OR" or "AND" in order to be consistent with the language in the Purpose statement.	Low	Low
50	"Housekeeping"	/PW	16.238(6)(f)	"... setback area specified by LC 16.238(8)"	(8) should be (7); (7) has additional setback requirements	Low	Low
51	"Housekeeping"	/AS	16.246(5)(g)	"A horizontal plan 150 feet above..."	'plan' should be 'plane'	Low	Low
52	"Housekeeping"	CLWP	16.258(7)(d)	"... roofed structures regulated by the Uniform Building Code shall..."	Uniform Building Code should be 'International Building Code or International Residential Code, as amended by the State of Oregon.'	Low	Low
53	"Housekeeping"		16.264(2)	"... LC 163.264(3)(b)." Changeout.	should be 16.264(3)(h)	Low	Low
54	"Housekeeping"	RR	16.290(4)(o)(i)	"the local rural area, or"	'or' should be 'and'	Low	Low
55	"Housekeeping"	RI	16.292(3)	"... requirements of LC 16.292(4)(a) through (g)..."	(g) should be (f)	Low	Low
56	"Housekeeping"	RI	16.292(3)(f)	"... requirements of LC 16.292(6)(d)..."	should be 16.292(2)(b)(iv)	Low	Low
57	"Housekeeping"		13.010(4) Cluster Subdivision.	"... cluster subdivision Policy #24 set forth under Goal 2..."	#24 should be #23	Low	Low
58	"Housekeeping"		16.264(3)(i)	16.264(3)(i)(i) fuelbreaks for new generators, 16.264(3)(i)(ii) road standards for new towers	Revise language to reflect this	Med	Low
59	"Housekeeping"	F-2	16.211(3)(n)(ix) [all home oc. provisions]	"... or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below."	The language in this subsection is confusing and seems contradictory to the two year provision later in the subsection. Could be broken into two subsections, one for initial expiration and one for extensions.	Med	Med - Related to Goal One Issue

60	Clarifications requiring direction	Policy Clarification - HO Determination	16.264(o)(1)(C)	"Documentation in the form of lease agreements for a minimum of two collocations..."	Language needs to be updated to reflect HO determination in PA 07-6830 that this provision is inconsistent with federal law.	Low	Low
61	Clarifications requiring direction	Policy Clarification - Telecom Director Hearing	16.264(4)(a)	"An application for placement of a transmission tower requires submit of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300..."	Director Hearings were removed from 14. This should be changed to either a Director Approval per 14.100 or an HO Approval per 14.300(b).	Low	Low
62	Clarifications requiring direction	Text Clarification - Temp Medical Handships	F-2; EFU; RR 16.211(3)(o)(ii); 16.212(5)(d); 16.290(2)(d)	TMF language inconsistent between sections	Standardize language across zones.	Low	Low
63	Clarifications requiring direction	Text (Policy?) Clarification - F-1 Replacement Rights	16.210	No standards for replacement dwellings in F1	Add codified standards.	Low	Low
64	Clarifications requiring direction	Text Clarification - Tract Definition	16.090 Tract; 16.211(5)(b); 16.211(6)(b); 16.211(7)(a); 16.211(8)(a);	Definition in 16.090 does not make sense and needs to be clarified; definitions in other sections are inconsistent with each other	"Unit of land comprised of adjacent lots, parcels, or units of land under the same ownership." (?)	Med - Related to Goal One Issue	Med - Related to Goal One Issue
65	Clarifications requiring direction	Text Clarification - F-1 Fire Siting Standards (Legislative Update?)	16.210(6); 16.211(8)(e)	The fire siting standards are different in the F1 and the F2. They also mix terms and do not indicate clearly if they apply to structures or dwellings.	Update F-1 standards to be consistent with F-2.	Med	Med - Related to Goal One Issue
66	Clarifications requiring direction	Policy Clarification - Guesthouse/Accessory Structure in resource zones	16.210; 16.211; 16.214	Director Interpretation allows accessory structure or accessory residential structure (guest house) in resource zones	Need codified standards	Med	Med
67	Clarifications requiring direction	Policy Clarification - Development Area for residential accessory structures	16.210; 16.211; 16.212	Director Interpretation that residential accessory structures must be in same 'development area' for resource zones (within 142 feet, based on same site replacement provision)	Need codified standards	Med	Med
68	Clarifications requiring direction	Policy Clarification - Guesthouse/Accessory Residential Structures	RR [F-1, F-2, EFU] 16.090; 16.290(2)(4); 16.290(2)(6)	Accessory structure/residential structure/guesthouse language inconsistent	Clarify what constitutes 'accessory residential structure' (i.e., 'habitable space' or 'heated space') versus shop or storage space; clarify standards for 'mixed' structures (habitable space over garage); conversion standards between different types of structures.	Med	Med
69	Clarifications requiring direction	Policy Clarification - Guesthouse/Accessory Residential Structures	RR [F-1, F-2, EFU] 16.290(2)(4); 16.290(2)(6)	Accessory structure/residential structure/guesthouse size and scale	Clarify size and scale for accessory structures in resource and nonresource zones	Med	Med
70	Clarifications requiring direction	Policy Clarification - BCC Interpretation	RR 16.290(4)(c)	RV & boat storage facilities in the rural residential zone	Language needs to be updated to reflect BCC interpretation in PA 07-6721	Med	Med
71	Clarifications requiring direction	Text Clarification - Coastal Overlays	Coastal overlays 16.235; 16.236; 16.237; 16.237; 16.238, 16.239; 16.240; 16.241; 16.243	coastal overlay zones need steep slope criteria, not reliance on 16.003(2) "Grading, Excavation and Clearing"	Develop standards that clarify when geotech analysis required	Med	Med
72	Clarifications requiring direction	Text Clarification - Signs	Most zones	Some language inconsistency between sections	Clarify lighting restrictions, lumens, include "moving" definition	Med	Med
73	Clarifications requiring direction	Text Clarification - Home Occupations	F-2; EFU; RR 16.090; 16.211; 16.212; 16.290	Home Occupation & Rural Home Business definitions and language inconsistent	Use one term/definition for Director Approval use in RR, F-2, and EFU, and one term/definition for permitted use in RR.	Med	Med - Related to Goal One Issue
74	Clarifications requiring direction	Code Organization/Streamlining	CH 16	Standardize the names and definitions of uses; consistent use of terms; comprehensive list of definitions in one section	Review entire code for standard definitions and use of terms; definitions in one place rather than multiple definitions for the same term or use. Statutory constructions may complicate consolidation of definitions.	High	Low
75	Clarifications requiring direction	Code Organization/Streamlining	CH 16	Improve code organization to make more user friendly	Group base zones (F-1, F-2, EFU, RR, etc.); group overlay zones (PW, NRC, IBD, /H, etc.); group regulations that apply to all zones (Riparian, Greenway, parking, telecom, etc.); group admin procedures (rezoning, plan amendments, enforcement, variances, etc.)	High	Low

76	Clarifications requiring direction	Code Organization/Streamlining	CH 16	Repetitive lists of uses in each zone.	Use matrix for uses (all uses in rows, zones in columns, notation for allowed/AA/DA/HO approval). Use matrices allow at-a-glance cross-zone comparisons of permitted uses. Statutory construction, especially for the different methods for getting dwellings in resource zones, and overlay zones may complicate a use matrix. See Jackson County.	High	Med
77	Clarifications requiring direction	Code Organization/Streamlining	C-1; M-1; M-3; IWP; RA; RG; C-2; C-3; C-2; RR (16.231)	Eliminate unused and remnant zoning designations that predate the last periodic review	Confirm no parcels currently zoned C-1; M-1; M-3; RA; or RG. Where remnant zones are still in use, redesignate to comparable acknowledged rural zones created during periodic review. Coordinate with cities where appropriate.	High	High
78	Clarifications requiring direction	Code Organization/Streamlining	RCP Policies CH 10	Ch 10 is antiquated, hasn't been updated to reflect changes in statutes, rules, and policies	Modernize standards for development within UGBs.	High	High