

Lane Code  
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## SUBDIVISION AND DIRECTION SIGNS

### 10.345-20 Standards.

(1) Subdivision signs announcing the division and improvement of property may be erected within the platted subdivision area as follows:

(a) For the first acre or fraction thereof. One sign not exceeding 64 square feet, which may have a surface area on a single-face sign of 64 square feet or a surface area on a double-face sign of 128 square feet.

(2) Two directional signs, each being six square feet or less, being either single- or double-faced, may be erected outside the platted subdivision area, not within the public right-of-way.

(3) No sign shall be constructed, erected or maintained which:

(a) Bears or contains statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency;

(b) Purports to be or is an imitation of, or resembles an official traffic sign or signal, or which bears the words "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;

(c) By reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device; or which hides from view any traffic or street sign or signal;

(d) Advertises or publicizes an activity, business product or service no longer conducted on the premises upon which such signs are maintained;

(e) Carries a message on a rotating or moving part. Only minor decorative parts of signs may move or rotate;

(f) Uses banners, flags, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, oral or olfactory. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### 10.345-35 Procedure.

(1) A request for a permit to erect a sign or signs in accordance with the provisions of this Section may be initiated by submitting an application in writing, on a standard form issued by the Planning Director, duly signed by the applicant and filed with the Planning Department.

(2) Permits for signs shall be issued by the Planning Director, and shall be valid for a period of one year only, or until the sale of the last lot or home in the subdivision area, whichever is the lesser time, and may be revoked by the Planning Director at any time if the requirements and limitations of this section are not being met. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

## SPECIAL EXCEPTIONS TO MINIMUM AREA REQUIREMENTS

### 10.350-05 Purpose.

The purpose of this section is to establish policies, criteria and procedures for the granting of Special Exceptions to Minimum Area Requirements of certain rural Districts. The Special Exception to Minimum Area Requirements is intended to provide a means for modifying such area requirements in cases where a strict adherence to them might cause unusual or undue hardship to a property owner. The Special Exception to Minimum Area Requirements allows for limited partitioning of land not suited for agricultural and forestry uses and protects nearby agricultural and forest lands. A non-farm parcel created by a Special Exception is consistent with the intent and purpose of ORS 215.243 when all the criteria of LC 10.350-10 below are met. The Special Exception to Minimum Area Requirements is not intended to authorize directly or indirectly speculative land division otherwise prohibited by zoning area requirements. Nothing in this section shall be construed to require the granting of such a Special Exception. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

**10.350-10 Requirements for Special Exception.**

The provisions of this section shall apply only to those Districts in which applications for Special Exceptions to Minimum Area Requirements are specifically authorized. In such, the Special Exception is appropriate upon meeting the conditions and criteria set forth in the following situations:

(1) The applicant wishes to create a parcel with an area smaller than that required by the existing zoning for the purpose of establishing a building site for the residence of a relative by blood, marriage or legal adoption, where such relative has need to reside near the applicant's residence in order to share in the operation and maintenance of the applicant's farm or timber-raising activity. The burden of proof shall be upon the applicant to demonstrate that the proposed building is an accessory to farm and forest use in the parent parcel and that the application meets criteria of LC 10.350-15(1) below.

(2) The applicant wishes to partition applicant's land' to sell the farm or forestry acreage while retaining applicant's long-time personal residence and its immediately surrounding home site, where the area of such home site is smaller than the minimum parcel size required by the existing zoning. The burden of proof is upon the applicant to demonstrate that

(a) He or she has owned the subject property 10 years prior to date of application or owned the property prior to January 1, 1975; and

(b) Meets criteria of LC 10.350-15(1) and (2) below.

(3) Where there exists a personal, but not necessarily financial hardship on the part of the applicant and, because of this hardship, the applicant wishes to partition his or her land for sale, but reserving for the applicant a homestead of less than minimum parcel size required by existing zoning. Additionally, the applicant has the burden of proof to show that:

(a) He or she owned the subject property for 10 years prior to the application or owned the property prior to January 1, 1975.

(b) Relocation of the applicant's house from the property would be detrimental to the applicant's well-being.

(c) Meets criteria set forth in LC 10.350-15(1) below.

(d) If the property is subject to LCDC Goal Nos. 3 or 4 and is not within an adopted urban growth boundary or an area for which an Exception in the plan has not been taken, then the applicant must also demonstrate conformance with criteria set forth at LC 10.350-15(2) below. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 17-78, 9.27.78; 7-80, 8.15.80)*

**10.350-15 Criteria.**

The following criteria shall be considered for Special Exceptions as follows:

(1) In all instances under LC 10.350-10, the applicant must demonstrate:

(a) Unusual need for the granting of a Special Exception.

(b) That this need cannot be satisfied in a suitable manner under other procedures and provisions of Lane Code or Manual, except for those dealing with zone changes.

(c) Preservation of Economic Land Units:

(i) A Special Exception to Minimum Area Requirements should further the preservation of economic farm or forestry units. Where a strict adherence to Minimum Area Requirements would require the partitioning of large parcels and corresponding greater fragmentation of the farm or forestry unit, a Special Exception permitting the partition of a smaller parcel may be appropriate in furthering such preservation.

(ii) While the granting of any single Special Exception is unlikely to cause significant detrimental effects upon any rural District trends and patterns in division of land to ensure that granting of a Special Exception will not initiate, accelerate or otherwise cause the conversion of a District's agricultural or forest lands to more intensive development and uses.

(2) For Special Exceptions applications considered under LC 10.350-10(2) and (3)(d) above, a permit may be granted only if, on the basis of the investigation and evidence submitted, the following Findings are made:

(a) Each parcel containing less than the minimum required area:

- (i) Is composed of generally unsuitable land for the production of trees, of farm crops and livestock, considering the terrain, adverse soil or land conditions drainage and flooding, vegetation, location and sign of tract.
- (ii) Is compatible with farm and forest uses.
- (iii) Does not interfere seriously with accepted farming practices or forestry practices on adjacent lands devoted to farm or forestry use.
- (iv) Does not materially alter the suitability of the overall land use pattern in the area.
- (v) Complies with other conditions as the Board of Commissioners and its designate deems necessary to comply with the requirements of this section. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 17-78, 9.27.78)*

#### **10.350-20 Partition Process Required.**

Approval of a Special Exception shall be considered only a waiver of Minimum Area Requirements. Approval of a Special Exception does not constitute approval to partition land. Any applicant for an approved Special Exception shall be required to conform to all appropriate procedures and requirements for partitioning land, as provided in LC Chapter 13. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80)*

#### **10.350-25 Multiple Applications.**

An application for a Special Exception is appropriate only in cases where the applicant's needs cannot be satisfied in a suitable manner under other procedures and provisions of the Lane Code or Manual, except for those dealing with amendments to the Comprehensive Plan. Application for a Special Exception to Minimum Area Requirements implies the existence of unusual circumstances or needs of the applicant; the burden of demonstrating such circumstances or needs shall be successively greater for any application beyond the first by the same property owner or for the same main parcel. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

#### **10.350-30 Conditions.**

In granting a Special Exception, reasonable conditions may be imposed as are necessary to meet the purposes and criteria of this section, the goals and policies of the Lane County General Plan, and accepted professional standards of land planning. Guarantees and evidence of compliance with such conditions may be required. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

#### **10.350-35 Application.**

Application for a Special Exception shall be made pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80; 16-83, 9.14.83; 20-05, 6.16.20)*

#### **10.350-50 Review Procedure.**

Applications for Special Exceptions shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80; 5-81, 4.8.81; 16-83, 9.14.83; 20-05, 6.16.20)*

#### **10.350-65 Elimination of Need for a Special Permit.**

A special permit as provided for in LC 10.100-10(5), shall not be required for one single-family dwelling or one mobile home to be located on a parcel of land for which a Special Exception has been approved and on which no other dwelling or mobile home is located. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

### **COMMERCIAL FARM PARCELS (CFP)**

#### **10.360-05 Purpose.**

This section establishes minimum area requirements for parcels defined as Commercial Farm Parcels (CFP). The area requirements are intended to provide protection of agricultural lands as a part of EFU, A-

1, A-2 and FF Districts, and are interim means of addressing Statewide Goal #3, Agricultural Lands, requirement that minimum lot sizes be appropriate for the continuation of existing commercial agricultural enterprise within the area.

Minimum area requirements are listed below according to Townships and Ranges where agricultural parcels have been found. *(Revised by Ordinance No. 16-80; Effective 9.27.80; 1-82 As Amended, 4.16.82)*

**10.360-10 Minimum Area Requirements for Commercial Farm Parcels.**

<u>Township-Range*</u>	<u>Minimum Area (Acres)</u>
Township 15 South, Range 09 West	155
15 07	33
15 06	127
15 05	104
15 04	53
15 01	230
Township 16 South, Range 11 West	140
16 10	230
16 09	113
16 08	81
16 07	98
16 06	175
16 05	100
16 04	48
16 03	69
16 02	189
16 01	214
Township 16 South, Range 02 East	44
16 03	205
16 04	147
16 05	40
16 06	99
16 07	46
Township 17 South, Range 12 West	42
17 11	45
17 10	223
17 09	68
17 08	116
17 07	223
17 06	142
17 05	88
17 04	79
17 03	217
17 02	79
17 01	51
Township 17 South, Range 01 West	32
17 02	202

<u>Township-Range*</u>		<u>Minimum Area (Acres)</u>
17	03	120
Township 18 South, Range 11 West		217
18	10	141
18	09	230
18	08	64
18	07	230
18	06	172
18	05	230
18	04	178
18	03	44
18	02	123
18	01	59
Township 18 South, Range 01 East		160
Township 19 South, Range 12 West		50
19	11	177
19	05	230
19	04	144
19	03	230
19	02	96
19	01	112
Township 19 South, Range 01 East		127
Township 20 South, Range 12 West		93
20	11	146
20	05	230
20	04	230
20	03	204
20	02	58
20	01	120
Township 20 South, Range 01 East		80
20	02	45
20	03	166
Township 21 South, Range 04 West		230
21	03	223
21	02	64
21	01	67
Township 21 South, Range 02 East		40
21	03	76
Township 22 South, Range 03 West		69
22	01	120
Township 23 South, Range 03 West		34

\*Townships and Ranges are based on Willamette Meridian  
 (Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82 As Amended, 4.16.82)

## ACCESSORY DWELLINGS SPECIAL USE PERMIT

### 10.370-05 Purpose.

The purpose of this Special Use Permit is to allow Planning Director approval of Accessory Dwellings for persons employed on the premises in FF-20, GR-10, AGT and AV Zoning Districts.

(1) Accessory Dwellings in FF-20, GR-10, AGT and AV Zoning Districts shall be approved unless there is a specific finding the use or activity will result in one of the following.

(a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning District(s).

(b) The use is not consistent with the purpose of the applicable District.

(c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.

(2) The procedure for issuance of the Permit shall be in accordance with Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 5-81, Effective 4.8.81; 1-82 As Amended, 4.16.82; 16-83, 9.14.83; 20-05, 6.16.20)*

## CLUSTER SUBDIVISIONS

### 10.375-05 Purpose.

Cluster subdivisions are explicitly permitted and encouraged by various zones as an alternative to standard subdivision development. They are intended to promote a more efficient use of land, retain more land in its natural state, reduce the overall land use impact of the subdivision process and reduce the amount of roads, services and facilities needed to serve a development. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*

### 10.375-10 Applicability.

Cluster subdivisions are permitted uses in the following zoning districts. GR-10, AGT-5, GR-I, GR-II, RR-1, RR-2, RR-5 and RA. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*

### 10.375-15 Permitted Uses.

(1) Mobile homes shall only be permitted in a cluster subdivision, if the zoning district applicable to the subdivision allows mobile homes as a permitted use.

(2) Two family and multiple family residences are permitted within a cluster subdivision provided they comply with the Development Standards of this subsection. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*

### 10.375-20 Development Standards.

#### (1) Lot Density.

(a) The number of lots intended for dwellings or mobile homes within a cluster subdivision shall not exceed the density of zoning district and shall be determined by dividing the gross acreage by the minimum area requirement permitted by the zoning district.

(b) In addition to lots intended for dwellings or mobile homes, a cluster subdivision may include a lot not intended for dwelling or mobile home use and intended for private open space and recreation purposes.

#### (2) Living Unit Density.

(a) A single living unit shall be considered to be a single family dwelling, a mobile or one living unit with kitchen facilities and designed for the occupancy of one family but sharing a common foundation, walls and roof with one or more other units in a duplex or multiple family dwelling.

(b) The ultimate number of living units permitted in a cluster subdivision shall be determined by multiplying the number of lots permitted for dwellings or mobile homes by:

(i) Two, if the zoning district permits duplexes; or

(ii) One, if only single family dwelling or mobile homes are permitted by the zoning district.

- (c) A cluster subdivision lot shall be limited to one of the following living units:
  - (i) A mobile home, or
  - (ii) A single family dwelling, or
  - (iii) A two family dwelling or duplex, or
  - (iv) A multiple family dwelling.
- (3) Setbacks and Lot Coverage.
  - (a) Except for the setback requirements of the zoning district for the exterior boundaries of the cluster subdivision, the setback and lot coverage requirements of the zoning district shall not apply.
  - (b) Where cluster subdivision lots intended for dwellings or mobile homes abut a zoning district which does not permit a cluster subdivision, a special building setback may be established for one or more lots. Special building setback requirements shall be established only for the purposes of reducing potential conflicts relating to fire, traffic, noise or similar man-made or natural hazards, nuisances and for protection of natural resources and open space. The special building setback requirement may consist of, but is not limited to, the setback requirements of the abutting zoning district which does not permit cluster subdivisions. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*

### **10.375-30 Application and Additional Requirements.**

Cluster subdivisions shall be processed in the same manner and conform to the applicable provisions, standards and procedures as required for subdivisions as provided in LC Chapter 13. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*

## **TELECOMMUNICATION TOWER STANDARDS**

### **10.400-05 Purpose.**

The provisions of this section are intended to ensure that telecommunication facilities are located, constructed, maintained and removed in a manner that:

- (1) Recognizes the public need for provision of telecommunication facilities;
- (2) Allows appropriate levels of service to be obtained throughout the County;
- (3) Minimizes the number of transmission towers throughout the County;
- (4) Encourages the collocation of telecommunication facilities; and
- (5) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals; however, these uses are not exempted from applicable provisions in other sections of the code, including the requirement to obtain a conditional use permit to construct transmission facilities or modify existing installations. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

### **10.400-10 Definitions.**

As used in LC 10.400, the following words and phrases mean:

Ancillary facilities. The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antenna. An electrical conductor or group of electrical conductors that transmit or receive radio signals, excluding amateur radio antennae.

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

Collocation. Placement of an antenna on an existing structure or building where the antenna 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, 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”.

**Transmission Tower.** The monopole or lattice framework designed to support transmitting and receiving antennae. 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”. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

### **10.400-15 Application, Information and Processing Requirements.**

A new or replacement telecommunication facility may be allowed provided: an application is submitted for Director approval pursuant to Type III procedures of LC Chapter 14, the application complies with the requirements specified in LC 10.400-15 through -50 below, and provided the application is approved pursuant to Type III procedures of LC Chapter 14 for a hearing with the Director. Notice of the hearing shall be provided pursuant to the requirements of LC Chapter 14 and to the owners of property within one half-mile radius of the exterior boundaries of the subject property and any property contiguous to and in the same ownership as the subject property. Maintenance and repair of lawfully (per LC Chapter 10) existing uses and development is considered a permitted use.

(1) Prior to submission of an application, the applicant shall provide notice and hold a meeting with area property owners as required in LC 10.400-15(1)(a)-(c) below. The applicant shall submit evidence of the notification and meeting with the application. The application shall include evidence of compliance with this requirement.

(a) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting to property owners and tenants living on property that would otherwise be notified pursuant to the requirements of LC 14.060 for a Type III hearing and to the applicable community organization recognized by the Lane County Board of Commissioners in Lane Manual 3.513 within the area in which the proposed site is located. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(b) 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 area. The published notice shall contain at least the same information as required by LC 10.400-15(1)(a) above for the mailed notice.

(c) The applicant shall conduct a meeting within the general area of the proposed location of the telecommunication facility with the area property owners, tenants living on surrounding properties and interested parties to discuss the proposed application to allow community concerns regarding the proposed tower to be addressed. Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(2) An application shall include the following information:

(a) A description of the proposed tower location, design and height. When the proposed tower location is within 14,000 feet of an airport, the applicant shall show the tower height in relation to the imaginary surfaces for that airport and demonstrate that the tower does not penetrate those surfaces;

(b) The engineered design capacity of the tower in terms of the number and type of antennae it is designed to accommodate and constructed in such a manner as to optimize performance and minimize visual impact;

(c) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with land use and building permit application;

- (d) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 10.400-50(4) below;
- (e) Documentation in the form of lease agreements for the telecommunications facility that provide space for a minimum of three users (the primary user and two collocation sites);
- (f) Documentation of lease agreements with a Federal Communications Commission (FCC) licensed provider;
- (g) Documentation demonstrating that the Federal Aviation Administration (FAA) has reviewed and commented on the proposal, and the Oregon Department of Aviation has reviewed and provided comment on the proposal;
- (h) Plans showing how vehicle access will be provided and documents demonstrating that necessary easements have been obtained; and
- (i) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(3) The applicant shall identify all existing towers, or properties that have obtained approval for a tower within ten (10) miles of the proposed tower location. The applicant shall provide evidence that collocation at all existing or approved towers within ten miles is not feasible, and provide documentation for locating a new tower, based on either of the following:

- (a) Lack of useable and compatible collocation space;
- (b) Inability to meet service coverage area and capacity needs; or
- (c) Technical reasons such as channel proximity and inter-modulation.

(4) The tower shall comply with all required State of Oregon and Federal licenses for telecommunication tower facilities. The application shall include a certification that the completed installation will comply with all Federal, state and local standards. The applicant shall submit documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(5) Factual information addressing compliance with requirements in LC 10.400-20 and -30 below. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02; 20-05, 6.16.20)*

#### **10.400-20 Collocation Requirements for Telecommunication Facilities.**

Collocation of a telecommunications facility on an existing structure or building is not subject to the land use application and approval provisions of LC 10.400-15 above. However, collocation of a new or replacement telecommunication facility may be allowed provided a prior land use application is submitted and approved pursuant to Type II procedures of LC Chapter 14. The application for collocation may be allowed provided the requirements in LC 10.400-20(1) and (2) below are met.

(1) An application for collocation of a new or replacement telecommunications facility shall provide the information required in LC10.400-15(2)(a)-(i) and -15(4) above.

(2) Factual information addressing compliance with requirements in LC 10.400-30 and -40 below. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 19-03, 10.29.19; 20-05, 6.16.20)*

#### **10.400-30 Siting Standards for Height, Setbacks and Access to Telecommunication Facilities.**

The following standards shall apply to all new or replacement telecommunication facilities.

(1) Consideration shall be given to other sites in the service area that would have less visual impact than the site proposed as viewed from nearby residences and that the applicant has demonstrated that less intrusive sites 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.

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

(3) Directional/parabolic antennae shall be selected to optimize performance and minimize visual impact.

(4) The setbacks for a tower shall be the setback otherwise allowed for all other structures in the zone except that:

- (a) The tower shall be setback at least the height of the tower from an adjacent property line.
- (b) A tract (contiguous property under the same ownership) shall be

considered as a single parcel for purposes of setbacks.

(5) The proposed telecommunications tower is sited at least 1200' from nearby residences and schools not on the property owner/applicant's tract or as far away from nearby residences and schools as it is sited from the closest dwelling on the property owner/applicant's tract, whichever is greater.

(6) If access is obtained from a private road, the applicant shall be responsible as required by Oregon law for providing for improvements and maintenance to the private road that provides access to the subject property. In general, the applicant is responsible for impacts to the private road as a result of activities conducted by the applicant. The applicant shall maintain all necessary access easements and maintenance agreements for the private road as required by State law. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02)*

#### **10.400-40 Standards for Construction, Lighting, Signage and Fencing of Telecommunication Facilities.**

The following standards shall apply to all new or replacement telecommunication facilities.

(1) The applicant shall submit a site-specific study of the tower site identifying the proposed color and surfacing of the tower and associated fixtures. Based on the existing conditions and vegetation at the proposed site, the tower must be constructed with material to reduce visibility of the tower by:

(a) Use of non-reflective materials that minimize glare and are colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation;

(b) Use of non-reflective materials painted to match the existing or attached structure to blend into the surrounding environment; and

(c) Antenna and associated equipment located on the same structure as the antenna shall be surfaced in a non-reflective material color to match the structure on which it is located.

(2) An Oregon registered professional engineer shall certify that the construction of the tower complies with building code structural standards.

(3) Prior to issuance of building permits for the tower, the applicant shall submit to the Building Official documentation from the Federal Aviation Administration, the Oregon Department of Aviation and any other local or state agency with jurisdiction practicable. Shielding of tower lighting onto nearby properties shall be installed as part of construction of the tower.

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

(6) Equipment areas must be enclosed by a chain link fence or equivalent with or without slats for screening. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

#### **10.400-50 Permit Renewal and Expiration Requirements for Telecommunication Towers.**

(1) Approved applications for telecommunication towers shall be valid until December 31st of the year following the date of final Lane County approval and shall be renewed every two (2) years, thereafter.

(2) Permit renewal is based upon the applicant submitting documentation that the telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC) and continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(3) If a telecommunications tower is not constructed and placed into service within 2 years of issuance of an approved permit, the land use approval expires.

(4) If the tower is discontinued from being used as a telecommunication facility for a period of one (1) year, the tower shall be removed. To insure removal of the telecommunication facility, the applicant

shall, as a condition of the Special Use Permit, provide a performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the tower and restoration of the site at the time the facility is removed. The property owner shall be notified of the determination of discontinued use and the property owner shall be responsible for removal of the telecommunication tower and equipment facilities and securing any required demolition permits within the six (6) months immediately following cessation of the operation of the telecommunication facility. The property owner shall bear the ultimate responsibility for removal of the facilities and shall sign a document that is recorded in the deed history of the subject property with Lane County Deeds and Records recognizing such responsibility. Any Special Use Permit granted for the land will automatically expire upon removal. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02)*

## **TRANSPORTATION FACILITIES AND USES**

### **10.500-05 Purpose.**

The purpose of this section is to define roadway and other transportation activities, uses, and projects that may be allowed in any land use zone governed by LC Chapter 10, subject to applicable standards and requirements. It clarifies the status of these activities and the processes necessary to implement the Lane County Transportation System Plan (TSP), a Special Purpose Plan of the Comprehensive Plan for Lane County. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### **10.500-10 Definitions.**

The definitions in LC 15.010 shall apply to transportation facilities and uses specified in LC 10.500-15 below. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### **10.500-15 Transportation Facilities and Uses.**

The following transportation facilities and uses may be permitted outright or as special or conditional uses only as specified in the applicable land use zone, subject to LC 10.500-20 and applicable requirements of Lane Code:

- (1) Climbing and passing lanes.
- (2) Reconstruction or modification as defined in LC 15.010, and modernization as defined in LC 15.010 of public roads and highways, including:
  - (a) acquisition of right-of-way, including the removal or displacement of buildings but not including the creation of new parcels.
  - (b) channelization as defined in LC 15.010.
  - (c) the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way.
  - (d) the addition of travel lanes.
  - (e) continuous median turn lanes.
- (3) 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.
- (4) Improvement of public roads and related facilities such as maintenance yards, weigh stations and rest areas, to support the operation and maintenance of public roads and highways, including the acquisition of right-of-way but not resulting in the creation of new lots or parcels.
- (5) 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.
- (6) 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.

(7) 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.

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

(9) Park and ride lots.

(10) Realignment as defined in LC 15.010 not otherwise allowed in this section.

(11) Replacement of an intersection with an interchange.

(12) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35).

(13) Transportation facilities, services and improvements other than those listed in LC 10.500-15 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(14) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(15) Railroad mainlines and branchlines.

(16) Pipelines consistent with the definition of a Transportation Facility in LC 15.010(36).

(17) Navigation channels.

(18) Expansion or alterations of public use airports that do not permit service to a larger class of airplanes, as defined by the Federal Aviation Administration. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

#### **10.500-20 Citizen Involvement.**

Modernization projects, and other road improvement projects listed above in LC 10.500-15 that involve the addition of travel lanes, or the displacement or relocation of buildings, shall be subject to the following:

(1) State projects shall be subject to the public involvement policies and actions in the adopted Oregon Transportation Plan, and shall be part of the State Transportation Improvement Program (STIP) adopted by the Oregon Transportation Commission; and

(2) County projects shall be listed in the adopted Capital Improvement Program and approved and processed as to project design pursuant to the citizen involvement requirements in LM 15.580. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### **SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY**

#### **10.600-10 Springfield Urban Growth Boundary.**

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

#### **10.600-15 Applicable Land Use Regulations.**

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15, 16-05, 18-06, and 19-05.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14; 14-13, 11.25.14; 14-15, 1.2.15; 16-05, 1.5.17; 18-06, 7.10.18; 19-05, 4.9.2020)*  
)

### **10.600-20 Eugene Urban Growth Boundary.**

The City of Eugene has the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary as specified in Lane Code 10.600-25. For the purpose of this subsection, the following words and phrases have the following meanings:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99; 17-03, 9.7.17)*

### **10.600-25 Applicable Land Use Regulations.**

Lane County has adopted the following land use regulations to be applied by Eugene on the specified urbanizable land within the Eugene Urban Growth Boundary.

(1) To all urbanizable land not addressed in (2), the Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 5-00 as amended in Ordinance No. PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15, and Ordinance No. 18-04.

(2) To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”) attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A to Ordinance No. 17-03.

(3) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15, 17-03, 9.7.17; 18-04, 6.26.18)*

## **ACCESSORY DWELLING UNITS**

### **10.650-05 Purpose.**

The provisions of this section are intended to implement state law authorizing the development of accessory dwelling units (ADUs) on lots with single-family dwellings in those zones that allow single-family dwellings, subject to reasonable local regulations. *(Revised by Ordinance No. 18-05, Effective 6.26.18)*

### **10.650-10 Applicability.**

Excluding the cities of Eugene and Springfield, the provisions of this section apply within the urbanizing areas of cities in Lane County with a population of 2,500 residents or greater. *(Revised by Ordinance No. 18-05, Effective 6.26.18)*

### **10.650-15 Accessory Dwelling Units Authorized.**

Subject to the standards of 10.650-20, a maximum of one ADU is allowed per legal single-family dwelling. The ADU may be a detached structure, in a portion of a detached accessory structure or a unit attached or interior to the primary dwelling. Structures used as ADUs may be constructed using traditional stick framing methods or may be manufactured dwellings. Accessory dwelling units may be allowed in any

zoning district where a single family dwelling has been lawfully established. *(Revised by Ordinance No. 18-05, Effective 6.26.18)*

**10.650-20 Standards.**

Accessory dwelling units must meet the following use and development standards:

- (1) A detached Accessory Dwelling cannot exceed 850 square feet of floor area.
- (2) An attached or interior ADU cannot exceed 850 square feet of floor area. However, accessory dwelling units that result from the conversion of a level or floor of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than 850 square feet.
- (3) Accessory Dwellings must meet all other development, design and siting standards for buildings in the base zoning district that it is located and in all applicable overlay or combining zone districts of Lane Code.
- (4) The area of the parcel containing an ADU cannot be divided from the area of the parcel containing the main dwelling.
- (5) Prior to the issuance of a certificate of occupancy the property owner constructing an ADU must record a deed restriction on the property acknowledging the use and development standards of 10.650-20. *(Revised by Ordinance No. 18-05, Effective 6.26.18)*

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