

SECTION 11. DEFINITIONS

height is above the average level of the adjacent ground

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

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

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

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

BUILDING SITE: The ground area of a building or buildings, together with all open spaces required by this Ordinance, and which site has its principal frontage upon a public or private street.

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

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

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

CAMPING VEHICLE PARK: Any place where two or more camping vehicles are parked within five hundred feet of one another on a lot, tract or parcel of land under the same ownership.

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

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

SECTION IV. DEFINITIONS

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

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

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

COMMISSION: The Lane County Planning Commission.

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

COURT APARTMENTS: One or more multiple dwellings arranged around two or three sides of a court which opens onto a street.

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

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

DISTRICT: A portion of the unincorporated territory of the County within which certain uses of land and buildings are premitted and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limitations are required for buildings, or within which certain off-street parking space is required, or within which a combination of such aforesaid regulations are applied; all as set forth and specified in this Ordinance.

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

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

DWELLING, SINGLE-FAMILY: A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

DWELLING, TWO-FAMILY (DUPLICATE): A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other, and having housekeeping facilities for each family.

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

- a. Three (3), when there are three or more related children under age 18 living in the household;
- b. Four (4), when there are two related children under age 18 living in the household;
- c. Five (5), when there is only one related child under age 18 living in the household;
- d. Six (6), when there are no related children under age 18 living in the household;

or,

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

FRATERNITY, SORORITY, STUDENT HOME: A residential building in which living accommodations are furnished to college students.

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

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

GRAZING: The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits. Land uses in any zoned district other than those described above and not included under the definition of "AGRICULTURE" or "TIMBER GROWING", regardless of land ownership, are subject to the provisions of this or other zoning ordinances. Tracts of land of five acres or less shall be, for the purpose of this Ordinance, presumed to be non-grazing, non-agricultural, non-horticultural, and not used for the growing of timber, unless proved to be otherwise.

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

GUEST HOUSE, SERVANTS' QUARTERS: An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests, or by servants employed on the premises.

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

HEIGHT OF BUILDING: See "Building Height".

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

HORTICULTURE: See "Agriculture".

HOTEL, LONGLEGE HOUSE, or ROOMING HOUSE: A building or portion thereof containing four or more sleeping rooms customarily occupied as one or less temporary abiding places for individuals.

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

INTERIOR LOT: A lot, other than a corner lot, having frontage on only one street.

KENNEL: Any lot or premise on which three or more dogs or cats over the age of four months are kept.

KEY LOT: A lot, the side of which abuts the rear line of one or more adjacent lots.

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

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

LOT: Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Ordinance, and having frontage upon a street.

LOT AREA: The total area measured on a horizontal plane within the lot lines of a lot.

LOT DEPTH: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

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

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

LOT LINE, SIDE: Any lot line which is not a front or rear lot line.

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

MOBILE HOME: Any portable structure or vehicle which is constructed and designed to permit human occupancy thereof, and which is being used for residential purposes. For the purposes of this definition, it shall be immaterial (1) whether said vehicle or structure is placed upon property for a temporary, semi-permanent or permanent use, (2) that wheels may be removed allowing said vehicle or structure to be placed upon piers, footings or a foundation, or (3) whether or not said vehicle or structure meets the structural requirements of the Lane County Building Ordinance. If occupancy of a vehicle or structure exceeds thirty days in any 12-month period, it shall be presumed that said vehicle or structure is being used for residential purposes.

MOBILE HOME PARK: Any place where two or more mobile homes are parked, placed or located within five hundred feet of one another on a lot, tract or parcel of land under the same ownership.

NONCONFORMING USE: A building, structure or land use which lawfully existed at the time this Ordinance became effective, but does not conform to the use regulations, setbacks, maximum lot coverage or other provisions herein established for the district or zone in which it has been classified by this Ordinance.

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

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

PARKING AREA, AUTOMOBILE: Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

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

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

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PARKING SPACE: A permanently maintained space with proper access for one standard sized automobile.

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

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

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

SITE, RESIDENTIAL: An area of more or less intensive development, surrounding a dwelling, not less than sixty feet wide nor less than six thousand square feet in area, and comparable to a normal city lot. (See Addendum "A" for other lot size requirements.)

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

STABLE, PUBLIC: A building in which horses are kept for remuneration, hire or sale.

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

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

STRUCTURAL ALTERATIONS: See "Alter".

STRUCTURE: See "Building".

SUN EXPOSURE PLANE: A sun exposure plane is an imaginary, inclined plane.

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

Easterly, westerly and southerly exposures: Beginning on lines parallel

DEFINITIONS:

to front, side or rear property lines and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies, and projecting thence due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a sixty degree slope over the applicable development site to a maximum distance of thirty feet, measured horizontally from each development site line.

TIMBER CROWING: The growing of trees for commercial purposes.

TOURIST PARK: All campgrounds, picnic parks, camping vehicle parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or offered free in connection with securing the trade or patronage of such person or for indirect benefit to the owner in connection with a related business.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

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

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

YARD, FRONT: A yard between the front line of the building (exclusive of steps) and the front property line.

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

YARD, SIDE: An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

In order to carry out the purpose and provisions of this Ordinance, certain areas shown on the map entitled "Harris County Zoning Map," being a part of this zoning ordinance, are hereby classified on one of the following districts. In case any streets or alleys as shown on the map have been or are hereafter vacated, the land shall take the district classification of the property to which it reverts. Public land acquired prior to the adoption of this Ordinance shall be limited to the use for which the land was acquired and/or any use established for the highest abutting district. Development of public land acquired subsequent to the passage of this Ordinance shall conform to the district in which it is located. In the event public land is sold for private development it shall automatically assume the classification of the highest abutting district.

AGT	AGRICULTURE, GRAZING, TIMBER-RAISING DISTRICT	SECTION VI
PR	PUBLIC RESERVE DISTRICT	SECTION VII
RA	SUBURBAN DISTRICT	SECTION VIII
R-1	SINGLE-FAMILY RESIDENTIAL DISTRICT	SECTION IX
RG	GARDEN APARTMENT RESIDENTIAL DISTRICT	SECTION X
RP	RESIDENTIAL, PROFESSIONAL DISTRICT	SECTION X (2)
C-1	LIMITED COMMERCIAL DISTRICT	SECTION XI
C-2	NEIGHBORHOOD COMMERCIAL DISTRICT	SECTION XII
C-3	COMMERCIAL DISTRICT	SECTION XIII
N-1	LIMITED INDUSTRIAL DISTRICT	SECTION XIV
N-2	LIGHT INDUSTRIAL DISTRICT	SECTION XV
N-3	HEAVY INDUSTRIAL DISTRICT	SECTION XVI
MH	MOBILE HOME DISTRICT	SECTION XVI-I (1)
MI	MOBILE HOME PARKS	SECTION XVI-I (2)
MH	MOBILE HOME USE PERMIT	SECTION XVI-I (3)
AV	AIRPORT VICINITY DISTRICT	SECTION XVI-II
SG	SAND, GRAVEL AND ROCK PRODUCTS DISTRICT	SECTION XVI-III
SG/CP	SAND, GRAVEL AND ROCK PRODUCTS-CONTROLLED PROCESSING DISTRICT	SECTION XVI-IV

SECTION VI. AGRICULTURE, GRAZING, TIMBER-RAISING DISTRICT (AGT)

The following regulations shall apply to AGT Agriculture, Grazing, Timber-Raising District:

A. 900

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. Agriculture, grazing and/or timber raising.
2. Dwelling or dwellings for owners, operators and/or help required to carry out a use as specified in A.1. above.
3. Accessory buildings normally required in connection with a use as specified in A.1. above.
4. Single-family dwellings, duplexes and accessory buildings hereto when developed in accordance with the conditions established under Section VIII (RA) in subdivisions approved by the Planning Commission.
5. Parks, playgrounds, golf courses or community centers owned and operated by a governmental agency.
6. Grange halls.
7. Churches with off-street parking as provided in Section XVII-B, and with setbacks from side and rear property lines of at least twenty feet.
8. Schools (elementary, junior high and high), providing a fifty-foot building setback is maintained from abutting, privately-owned property.
9. Hospitals with the same building setbacks as established in Item 8, above.
10. Public and semi-public buildings and structures essential to the physical and economic welfare of an area, such as, fire stations, sub-stations and pump stations, provided that side and rear yards shall be a minimum of twenty percent of the property width, but not less than ten feet nor necessarily more than thirty feet.
11. The following conditional uses subject to a conditional use permit granted pursuant to the provisions of subsection "D" of Section XXI:
 - a. Any of the conditional uses listed in subsection "D" of Section XXI.
 - b. Group Care Homes.
 - c. Sanitariums.
 - d. Stadium.

SECTION VI. AGRICULTURE, GRASSING, PASTURE-RAISING DISTRICT

12. Mobile home on an individual lot or site, pursuant to a mobile home use permit issued by the Department of Health and Sanitation. (See SECTION XVI (3) for permit provisions.) If located in a subdivision approved by the Planning Commission, the conditions and requirements of SECTION VIII (RA) shall apply.
13. Normal accessories for a mobile home, such as awning, cabana, ramada, patio, carport, garage or storage building, pursuant to an original mobile home use permit or subsequent permit for only accessories.

B. AREA

1. Size of Lot

- a. No dwelling unit or mobile home shall be erected or located on less than one acre of lot area, having a minimum average width of not less than one hundred fifty (150) feet. Notwithstanding the lot area and lot width requirements of this section, a single-family dwelling or mobile home may be erected or located on any lot separately owned at the time of the passage of this amendment, or on any numbered lot in an approved and filed major or minor subdivision plat that was on record at the time of the passage of this amendment. (Ordinance #291, effective September 13, 1968.)
- b. Lots for other uses as specified under A.5, A.6, A.7, A.8, A.9, and A.10 shall have a minimum width of two hundred feet and a minimum area of one acre.

2. Percent of Coverage

The main building and accessory buildings located on any one building site or lot shall not cover in excess of thirty (30) percent of the lot area.

C. YARD REGULATIONS

1. Front Yard Setback

- a. Basic structure: 15 feet.
- b. Garages, carports, and parking spaces with access from the front or side of the property: 20 feet.

2. Side Yard Setback

a. Basic structure:

Interior: 5 feet
 Alley: 5 feet
 Street: Regular corner lot -- 10 feet
 Reverse corner lot -- 15 feet

b. Garages, carports or parking spaces with access from:

An alley side yard: Not less than 14 feet from the alley centerline.

A street side yard: Not less than 20 feet from the property line.

Where a utility easement is recorded, the setback shall be not less than the width of the easement.

(Ordinance #343 effective September 3, 1969.)

D. REGULATIONS

Regulations hereafter prescribed shall not apply to uses conforming to A.1, A.2, and A.3.

SECTION VII. PUBLIC RESERVE DISTRICT (PR)

A. USE

No building, structure or land shall be used, and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for the following uses:

1. A dwelling arranged, intended and designated exclusively for one family, and accessory buildings such as, garages, storerooms, wood sheds, laundries, greenhouses, animal shelters, or similar and related accessory uses for which a special building permit has been issued; provided, however, that there shall not be more than three buildings allowed as accessory to any single-family dwelling.
2. Hunting and fishing lodges, dude ranches, resort hotels.
3. Public and semi-public buildings, such as:
 - a. Schools.
 - b. Libraries, art galleries and museums.
 - c. Hospitals, sanitariums, hot baths and rest homes.
 - d. Institutions for education, philanthropic or eleemosynary (charitable) uses.
 - e. Private clubs, fraternities, and lodges.
 - f. Parks, playgrounds, winter sports, golf courses and recreational use.
 - g. Governmental buildings and uses (federal, state, county, municipal or other governmental divisions).
4. Any of the conditional uses set forth in subsection "D" of Section XXI, subject to a conditional use permit granted pursuant to the provisions thereof.

B. PARKING SPACE REQUIRED

1. Residential use. At least one permanently reserved parking space or private garage shall be provided for each single-family dwelling.
2. Lodges, dude ranches and resort hotels shall provide and maintain sufficient off-street parking to adequately care for the automobiles of owners, employees and patrons, with ingress and egress to the highway properly controlled to give reasonable protection to the automotive traffic.
3. Public and semi-public buildings shall provide and maintain a minimum of one off-street parking space for each one thousand square feet of building floor area.

C. SIGNS

Signs and nameplates may be installed as follows:

1. One nameplate not exceeding six square feet in area for each dwelling unit, indicating the name of the homesite or the name of the occupant.
2. One sign not exceeding thirty-five square feet in area for buildings other than dwellings; provided that such sign shall be attached to and parallel with the front wall of the building.
3. One sign not exceeding six square feet in area, pertaining to the sale or rental of property.

SECTION XVII. GENERAL PROVISIONS
 A. USE
 B. PARKING SPACE

A. USE

1. Conformance and permits required. No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located, and there only after applying for and securing all permits and licenses required by all laws or ordinances.
2. Other uses. Where the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

B. PARKING SPACE

1. Private Parking

- a. Required garages and parking areas for residential and industrial development will be found under the zoning classification. When a single-family residence is located on a site inaccessible by automobile due to topographic conditions or excessive grades, a private garage shall not be required.
- b. Automobile parking space allowing three hundred square feet per automobile (parking plus driving space) shall be provided and maintained for any new or enlarged building as listed below:
 - (1) 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 fifty 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.
 - (2) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first twenty individual guest rooms, and one additional parking space for every three guest rooms in excess of twenty.
 - (3) Auto courts shall provide at least one parking space for each lodging unit.
 - (4) For fraternity, sorority, and student houses, at least one permanently maintained parking space for every four beds.
 - (5) For hospitals and welfare institutions, at least one permanently maintained parking space for each three hundred square feet of floor area.
 - (6) Clinics shall provide at least two parking spaces for each consultation and operating room.

CHAPTER PROVISIONS, SECTION XVII.

B. PARKING SPACE, CONT'D.

1. STORES

P. PARKING SPACE, CONT'D.

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

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

c. Parking spaces shall be on the same lot with the main building or structure, or located not more than eight hundred feet therefrom.

2. Loading Space. In addition to the ten 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 ten feet in width and twenty-two feet in length for each four thousand 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.

3. Public Parking Areas. Land hereafter used for public parking areas shall be developed according to a plan approved by the Planning Commission and shall have:

- 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 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" district, the setback for the parking lot shall conform to the requirements for the adjacent "R" district, and the fence, hedge or wall between the "R" district and the parking lot shall be six feet in height.

C. SIGNS

1. Subdivision and Directional Signs

a. Subdivision signs announcing the division and improvement of property may be erected within the platted subdivision area, as follows:

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.

For each additional acre: One individual single or double-face sign not exceeding a total sign surface area of 16 square feet.

C. SIGNS, Cont'd.

- b. 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.
- c. No sign shall be constructed, erected or maintained which:
 - (1) Bears or contains statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency;
 - (2) 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;
 - (3) 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;
 - (4) Advertises or publicizes an activity, business product or service no longer conducted on the premises upon which such signs are maintained;
 - (5) Carries a message on a rotating or moving part. Only minor decorative parts of signs may move or rotate;
 - (6) Uses banners, flags, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, oral or olfactory.

2. Procedure to Erect Subdivision and Directional Signs

- a. 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 Department, duly signed by the applicant and filed with the Planning Department.
- b. Permits for signs shall be issued by the Director of the Planning Department, or his authorized representative, 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 at any time if the requirements and limitations of this section are not being met. The permit fee shall be five dollars for each sign.

D. HEIGHT

- 1. Height limits established for the various zones or districts 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.
- 2. On lots sloping downhill from the street, buildings may have an additional story, provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

GENERAL REGULATIONS, SECTION VIII.

1. AREA

2. BUILDING SETBACK REQUIREMENTS

3. AREA

See District or zone classification. (Also Addendum "A".)

4. BUILDING SETBACK REQUIREMENTS

1. Front Yard

- a. Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yards, except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half feet high may be built within a front yard.
- b. Fences or walls may be constructed or hedges planted, provided they do not exceed three and one-half feet in height, and further provided they do not interfere with vision clearance required for corner lots.
- c. When forty percent or more (on front foot basis) of all the property on one side of the street between two intersecting streets (at the time of passage of this Ordinance) has been built up with buildings having a minimum front yard of more or less depth than that established by this Ordinance, and provided that the majority of such front yards do not vary more than six feet in depth, no building shall be built within nor shall any portion project into such minimum front yard; provided further that no new buildings be required to set back more than thirty-five feet from the street line (except where specified otherwise in this or other ordinances for the purpose of street widening), nor more than two feet further than any building on an adjoining lot, and that this regulation shall not be interpreted as to reduce a required front yard to less than ten feet in depth.
- d. When the master road plan or zoning plan indicates that a street is to be opened or widened, the setbacks required shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty feet, unless expressly designated otherwise.
- e. Setbacks from half dedications of streets. When a subdivision plat has been accepted and filed with half-width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half-width dedicated streets but not within the subdivided tract shall be a minimum of the required setbacks for the zone or district in which it is located, and not less than thirty feet nor less than the width of the half-dedication of the street.

2. Side Yard

- a. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line

SECTION XVII, GENERAL PROVISIONS
F. BUILDING SETBACK REQUIREMENTS
J. VISION CLEARANCE

F. BUILDING SETBACK REQUIREMENTS, Cont'd.

than the distance indicated under the district or zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

- b. Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.
- c. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages or other accessory buildings (except cages, stalls, corrals, etc., in the RA district) upon or immediately adjacent to the division line between the two properties, after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the zone in which such permission is granted. The foregoing provision shall be limited to the life of the structure for which the permit is issued.
- d. When the master road plan or zoning plan indicates that a street is to be opened or widened, the side yard setback required along a side street shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty feet, unless expressly designated otherwise.
- e. Setbacks from half-dedications of streets: See "Front Yard" setback requirements of this section XVII, "F" i.e.

G. VISION CLEARANCE. See District or zoning classification.

NON-CONFORMING USES, SECTION XVIII

- A. Any lawful use existing in any building, structure or premises at the time of the passage of this Ordinance may be continued therein although not conforming to the district in which it is maintained, provided that:
1. The only nonconforming use allowed will be the one which existed upon the date this ordinance was passed;
 2. in case a business or industry is being maintained in a residence district, the building, structure or premises in which it is maintained shall not be enlarged in height or bulk or reconstructed of more permanent material.
 3. In case a nonconforming building or structure is razed, removed or deteriorated beyond reasonable repair, the premises shall be automatically reclassified without notice as a district of the same class to which it had previously formed an exception.
 4. If the nonconforming use is discontinued for any reason for more than one year it shall not be reestablished, unless such period is extended by special permit.
- B. Any nonconforming building or structure not started or completed on the effective date of this ordinance, for which a building permit has been issued, may be started within a period of six months and completed with a period of eighteen months after such date.

BOUNDARIES OF ZONES, SECTION XIX

- A. ZONE BOUNDARIES are either streets or alleys, unless otherwise shown.
- B. LOT LINES
1. Where zone boundaries are not shown on streets or alleys, and where the indicated boundaries on the zoning map are approximately lot lines as existed at the time this ordinance became effective, said lot lines shall be construed to be the boundaries of such zone, unless said boundaries are otherwise indicated.
 2. Where zone boundaries are not shown on streets or alleys and where the property has not been subdivided into blocks and lots, the zone boundaries shall be construed to be lot lines.

C. VACATED STREETS OR ALLEYS

When a dedicated street or alley shown on the zoning map is vacated by ordinance, the property shall be included within the zone of the adjoining property on either side of the vacated street or alley.

SUBMISSION OF PLANS FOR DEVELOPMENT IN ARCHITECTURALLY CONTROLLED AREA, SECTION XX.

Any portion of any zoned district, or any subdivision, may request nominal architectural control wherein such controls are essential to scenic preservation or the stabilization of land values. Such areas shall be designated on the map by the direct symbol, followed by "X". Within such areas a builder must first have plans, specifications and uses approved by the Planning Commission, and said plans and stated uses are to be filed with the permit. The Planning Commission is charged with the responsibility of ascertaining that the architectural design, the yard widths, landscaping and method of ingress and egress to the highway are of standards to achieve attractive communities and safe thoroughfares.

INTERPRETATION, APPLICATION AND VARIANCES, SECTION XVI.

A. MINIMUM REQUIREMENTS AND INTERPRETATION

It shall be the duty of the Planning Commission to:

1. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance;
2. Rule on applications for reclassifications and variances and to interpret the meaning of this ordinance in case there is a dispute between the administrative officials of the county and any owner or owners of the property involved.

In interpreting and applying the provisions of this ordinance, such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, morals and general welfare; therefore, where this ordinance imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than those imposed or required by other laws, ordinances, rules or regulations, the provisions of this ordinance shall control.

B. CHANGES AND AMENDMENTS

The regulations herein and subsequently established may be amended, supplemented or changed from time to time by the Board of County Commissioners of Lane County, Oregon, after a report thereupon by the Planning Commission, and after public hearings as required by law. An amendment, supplement or change may be initiated by the Board of County Commissioners, the Planning Commission, or by petition of property owners.

C. VARIANCES

1. Variances from restrictions governing use of property. The Planning Commission may permit and authorize a variance from the restrictions governing use of property if, from the petition, or the facts presented at a public hearing, or by investigation, the Planning Commission finds:
 - a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or uses in the same district so that a denial of the petition would result in undue property loss, and
 - b. That such variance is necessary for preservation and enjoyment of a property right of the petitioner, and also
 - c. That such variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of property.
2. Variances from area, height limits of buildings or yard requirements. The Planning Commission shall hear all applications for variances from regulations covering area, height limit of buildings, or yard requirements. The Planning Commission may authorize said variances if, from the petition or the facts presented at a public hearing conducted by the Planning Commission, or from investigation, said Commission finds:

SECTION XVI. VARIANCES, APPLICATION AND STANDARDS

- a. That the variance requested is not in conflict with the general purpose and intent of this ordinance, and
- b. That the variance will not be detrimental to the public welfare or convenience, and
- c. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner, and to prevent unreasonable property loss or unnecessary hardship, and will not be detrimental nor injurious to the property or improvements of other owners of property.

D. CONDITIONAL USES

- 1. Purpose. The purpose of these provisions is to prescribe the procedure and special conditions for the accommodation of the following uses which have special site or design requirements, operating characteristics, or potential adverse effect on surrounding property.
 - a. Airport, heliport or aircraft landing field, together with accessory land uses relevant and appropriate to the operation.
 - b. Amusement park.
 - c. Carnival or circus, outdoor, excluding those in conjunction with a county fair or other governmentally sponsored event.
 - d. Cemetery, animal, with an area of not less than five acres.
 - e. Cemetery, human, with an area of not less than forty acres.
 - f. Correctional institution
 - g. Garbage dump, sanitary land fill
 - h. Golf course
 - i. Jail
 - j. Kennel
 - k. Penal farm
 - l. Race tracks
 - m. Radio stations and television stations
 - n. Rock, sand, gravel and loam excavation
 - o. Sewage treatment plant
 - p. Stable and academy, commercial riding
 - q. Mobile home parks (See Section XVI-I(2) for additional requirements)
 - r. Tourist parks
 - s. Camping vehicle parks
 - t. Campgrounds
 - u. Other uses for which a conditional use permit is required by various sections of this zoning ordinance.

Where a use is not authorized, or where ambiguity exists concerning the appropriate classification or procedure for the establishment of a particular use or type of development within the meaning and intent of this section, said use or type of development may be established by conditional use permit in accordance with the provisions of this section.

- 2. Application. Application for a conditional use permit shall be made by the owner of the affected property or his authorized agent, on a form prescribed by the Planning Commission. The application shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data as may be required to enable the permit criteria listed hereafter to be applied to the proposal.

REGULATION, ALL ORDINANCES AND LAWS, SECTION XXI

D. CONDITIONAL USES. cont'd.

1. Procedure for Consideration

- a. An application for a conditional use permit shall be considered by the Planning Commission at a public hearing.
- b. Notice of a public hearing shall be accomplished, in addition to the usual notice required by law, by mailing a postal card, letter, or copy of the posting notice not less than ten days prior to the date of such hearing, to the owners of all property within three hundred feet of the exterior boundaries of the property involved, using for this purpose the last known name and address of such owners as shown upon the records of the County Assessor.
- c. At the public hearing the Planning Commission shall determine whether the proposal conforms to the permit criteria set forth hereafter and other reasonable criteria and may grant or deny the application for the proposed conditional use permit or require such changes or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria.

4. Determination of the Planning Commission. The Planning Commission shall make its findings and recommendations in writing within a reasonable period of time following the public hearing on the matter, and shall forthwith transmit a copy thereof to the applicant and the Board of County Commissioners.

5. Conditional Use Permit Criteria. A conditional use permit may be granted only if:

- a. The proposal conforms to all of the following general use criteria, as well as to all other applicable use permit criteria outlined in 5.b, below:
 - (1) That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
 - (2) That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and setting will allow.
 - (3) That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

ARTICLE 11. INTERPRETATION, APPLICATION AND AMENDMENT

D. CONDITIONAL USES, Cont'd.

b. The proposal conforms to all special use conditions deemed necessary to secure the purpose of this section. Such special use conditions may include, but are not limited to, the following:

- (1) Regulation of uses, special yard setbacks, coverage and heights;
- (2) Requiring fences, walls, screens, landscaping and maintenance;
- (3) Requiring street dedications and improvements;
- (4) Regulation and control of points of vehicular ingress and egress;
- (5) Regulation of all signs;
- (6) Regulation of noise, vibration, odors and sightliness;
- (7) Regulation of hours of operation and duration of use or operation;
- (8) Requiring surfacing of parking areas;
- (9) Requiring rehabilitation plans;
- (10) Requiring bonds to ensure performance of special conditions.

6. Adherence to Approved Plans - Time Limitation: A conditional use permit shall be subject to the plans and other conditions upon which it is granted. Permits may be for a definite or indefinite duration. In addition thereto, when applicable, times of commencement and termination of actual construction or alteration, or commencement of the authorized conditional use may also be established.

7. Revocation. The Planning Commission, after notice and public hearing, may revoke any conditional use permit on the basis of any one or more of the following:

- a. Violation of any of the provisions of the zoning ordinance.
- b. Failure to comply with any prescribed requirement of the conditional use approval.
- c. The use for which the permit was granted has ceased to exist or has been suspended for one year or more.
- d. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance.

E. HOME OCCUPATIONS

1. Permitted Uses

- a. Offices for professional, personal and business service.
- b. Studio for arts, handicrafts or tutoring.
- c. Shop for limited or custom production or minor repair services.
- d. Headquarters for a craftsman or salesman.

2. Limitations. It is the intent of these provisions that the scale of operations shall be distinctly limited in nature and usually conducted as a supplementary, and not as a principal source of family income, or as an accommodation for a handicapped or retired person.

- a. One unlighted nameplate for each dwelling unit, attached flat against the main building, not exceeding 4" x 16", containing only the name and/or business or profession of the occupant of the premises.

INTERPRETATION, APPLICATION AND VARIANCES, SECTION 22A

HOME OCCUPATIONS, Cont'd.

- b. There shall be no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling.
 - c. No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work at other locations.
 - d. All aspects of the conduct of a home occupation shall be contained and conducted within the dwelling or within a completely enclosed accessory building.
 - e. The aggregate of all space within any building devoted to one or more home occupations shall not exceed 200 square feet in floor area, except such space within or on a lot occupied by an apartment dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit.
 - f. Any home occupation, as determined by the Planning Commission, which generates or requires abnormal automotive or pedestrian traffic or similar effects discernible on the outside of any building containing such home occupation shall be prohibited.
 - g. There shall be no commodity sold upon the premises.
 - h. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers.
 - i. Customer and client contact shall be primarily by telephone, mail or in their homes and places of business, except for those home occupations which, by their very nature, cannot otherwise be conducted except by personal contact upon the premises.
 - j. Instruction in music shall be limited to no more than two students on the premises at one time, and in crafts to no more than six students on the premises at one time.
3. Procedure. A request for a permit may be initiated by submitting an application in writing, on a standard form issued by the Planning Department, duly signed by the applicant and filed with the Planning Department.
- a. Permits for Home Occupations shall be issued by the Director of the Planning Department or his authorized representative, shall be valid for a period of two years only, and may be revoked at any time if the requirements and limitations of this section are not being met. The fee for such a permit shall be ten dollars (\$10.00).
 - b. No permit shall be issued by the Director of the Planning Department or his authorized representative until or unless the applicant shall have received the favorable approval, as witnessed by signatures on the authorized application form, of not less than 75% of the residents of all the lots adjoining or having property corners contiguous with the lot proposed for the home occupation and including all lots on the same street, or streets when a corner or double frontage lot is involved, which are within 150 feet of the lot proposed for the home occupation.

RIGHT OF APPEALS, SECTION XXII.

A. RULING OF ADMINISTRATOR

Property owner or owners, or interested citizens, may appeal a decision of the Building Inspector to the Planning Commission within ten days from such ruling. Appellant shall file with the Building Inspector and with the County Court written notice of the appeal. The Building Inspector shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken, and in addition thereto the Planning Commission may receive such additional evidence as seems relevant to it.

B. RULING OF PLANNING COMMISSION

Any interested citizen or administrative officer of the County may appeal to the County Court from any ruling of the Planning Commission pertaining to the granting or denial of any permit applied for hereunder, when such ruling is adverse to his interests, by filing with the Secretary of the Planning Commission within ten days from such ruling a written notice of appeal. Thereupon, the Secretary of the Planning Commission shall forthwith transmit to the County Court all papers constituting the record upon which the action appealed from was taken, and in addition thereto the County Court may, at its hearing, receive such further evidence as seems to be relevant. Upon due public hearing, the County Court shall have power to overrule or alter any such ruling of the Planning Commission pertaining to the granting or withholding of any permit.

REEL 55 PAGE 796

TEMPORARY PERMITS, RECLASSIFICATION AND VARIANCES, SECTION XXIII

A. USES NOT SPECIFICALLY COVERED

The Planning Commission, subject to review by the Board of County Commissioners, may permit in a zone any use not specifically described in this ordinance if the requested use is in general keeping with the uses authorized in such district.

B. TEMPORARY PERMITS FOR NONCONFORMING USES

1. Granting of Permits Subject to Conditions. A temporary permit may be granted for temporary structures and uses that do not conform with the regulations herein prescribed. A temporary permit shall be subject to any and all conditions made a part of said permit, said conditions to be imposed so that the temporary structure or use will not be detrimental to the livability or appropriate development of the area, but will be compatible with abutting properties and the surrounding neighborhood for the duration of the permit. Temporary permits should ordinarily only be granted for structures and uses in an undeveloped area of the county.
2. Time Limitations. No temporary permit shall be granted to exceed a five-year period.
3. Bond Requirement. The posting of a bond for the fulfillment of any other conditions deemed necessary to insure the removal of the temporary structure or use at the expiration of the temporary permit may also be required.
4. Revocation. A temporary permit may be revoked on the basis of any one or more of the following:
 - a. Violation of any of the provisions of this zoning ordinance.
 - b. Failure to comply with any prescribed condition of the temporary permit.
 - c. The structure or use for which the permit was granted has ceased to exist or has been suspended for a period of more than six months.
 - d. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or welfare, or so as to constitute a public nuisance.

C. RECLASSIFICATION AND VARIANCES

1. Granting of Reclassifications and Variances. The Planning Commission shall hear all applications for reclassification and variances from the regulations provided in this ordinance. The Commission may permit and authorize a reclassification or a variance from the restrictions provided in this ordinance if, from the written application or the facts presented at a public hearing, or by investigation, the Planning Commission finds:
 - a. That the reclassification or variance requested is not in conflict with the general purpose and intent of this ordinance, and that there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or uses in the same district so that a denial of the application would result in undue property loss of the applicant, and

SECTION XXIII. TEMPORARY PERMITS, RECLASSIFICATION AND VARIANCES

C. RECLASSIFICATION AND VARIANCES, Cont'd.

- b. That such reclassification or variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of property.
- 2. Written Applications. Any person desiring a reclassification of any premises, building or structure, or any variance from any of the restrictions as set forth in this Ordinance, shall file a written application for the same with the Lane County Planning Department at least thirty days before the Planning Commission meeting at which the application is to be considered. Such written application must set forth therein facts making at least a prima facie showing that such application satisfies all the provisions of Section XXIII, C.1, supra, of this ordinance. If such application fails to make such a prima facie showing then it may be summarily denied by the Planning Commission.
- 3. Limit on Applications for Reclassifications and Variances. Once an application for a reclassification or a variance has been denied by the Planning Commission another application for such a reclassification or variance may not be made within a period of six months from the date of the last denial, and then only upon a clear showing by affidavit or affidavits, accompanying a written application in proper form, setting forth material and different circumstances existing which did not exist at the time the last application was denied. If the application and affidavit does not comply with the requirements stated herein, such application shall be summarily denied by the Planning Commission.

Where there has been an appeal by the applicant to the Board of County Commissioners from the previous ruling of the Planning Commission, then the six-month period referred to herein shall start to run as of the date of the ruling on such appeal.

SECTION XXIV. FILING FEES

Before accepting for filing any application for (1) a zone reclassification, (2) a temporary permit for nonconforming use, (3) an approval to move a building, (4) a conditional use permit, or (5) a variance, the County Planning Department shall charge and collect the following fees to be paid to the County Clerk:

1. Zone reclassification	\$35.00
2. Temporary permit for nonconforming use.	10.00
3. Approval to move a building in County	25.00
(Application made with Building Department)	
4. Conditional Use Permit.	35.00
5. Variance from height, area, coverage, setback, etc.	5.00
6. Home Occupation Permit.	10.00
7. Subdivision Sign Permit	5.00

BUILDING PERMITS, SECTION XXV.

No building permits shall be issued by the Building Inspector of the County of Lane for the erection, alteration or location of any building or structure that does not conform to the following:

1. Adherence to the provisions of this ordinance.
2. Statement of applicant to be filed with the building permit, giving use, height, area, and block plan of the location of the building on the lot.
3. Lot fronting or abutting on a public street or having access to such street over a private street or easement approved by the Planning Commission and recorded with the County Clerk.

MOVING OF BUILDINGS OR STRUCTURES, SECTION XXVI.

This section deleted by Ordinance No. 344.

ADMINISTRATION AND ENFORCEMENT, SECTION XXVII.

A. BUILDING INSPECTOR

1. It shall be the duty of the Health Officer or his duly authorized representative to see that this ordinance is enforced through the proper legal channels. He shall issue no permit for the construction or alteration of any building or part thereof unless the plans, specifications and intended use of such building conform in all respects to the provisions of this ordinance.
2. The Building Inspector shall have the authority to enter any building or upon any premises for the purpose of investigation and inspection; provided, however, that no dwelling shall be so entered without consent of the occupant unless a twenty-four hour notice of intention to enter shall have been served upon such occupant.

B. LEGAL PROCEEDINGS BY DISTRICT ATTORNEY

The District Attorney, upon request of the County Court, shall institute any legal proceedings to enforce the provisions of this ordinance.

C. ENFORCEMENT BY SHERIFF

The County Sheriff and his authorized representatives shall have the power, upon the request of the County Court, to assist in the enforcement of the provisions of this ordinance.

VALIDITY, SECTION XXVIII.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of the ordinance. The County Court of the County of Lane, State of Oregon, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase, irrespective of any portion declared unconstitutional.

CONFLICTING PROVISIONS, SECTION XXIX.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XXX. VIOLATIONS AND PENALTIES

A person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00), and in default of payment thereof by imprisonment for one day for each two dollars (\$2.00) of such unpaid fine. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any period of which any violation of any provision of this Ordinance is committed or continued by such person, firm or corporation and shall be punished accordingly.

Approved by the affirmative vote of a majority of the Lane County Planning Commission after due public notices and hearings, this 27th day of May, 1949.

/s/ Ralph Rogers
Chairman

/s/ Howard W. Buford
Secretary

Regularly passed and adopted by the County Court of the County of Lane, State of Oregon, this 31st day of May, 1949.

/s/ Clinton Hurd
County Judge

/s/ Walter Holland
Commissioner

/s/ Lee G. Raish
Commissioner

AMENDMENTS

Ordinance No. 4 has been amended by the following ordinances, which have been incorporated in this edition. (See Addendum "B" for effective dates of these ordinances.)

Ordinance #10
Ordinance #26
Ordinance #38
Ordinance #45
Ordinance #50
Ordinance #63
Ordinance #66
Ordinance #75
Ordinance #95

Ordinance #102
Ordinance #111
Ordinance #119
Ordinance #120
Ordinance #125
Ordinance #170
Ordinance #217
Ordinance #251
Ordinance #276

Ordinance #293
Ordinance 14-68
Ordinance #304
Ordinance #325
Ordinance #326
Ordinance #343
Ordinance #344
Ordinance #378
Ordinance #382
Ordinance #416

Attachment 5

**History of Lane County Land Use Regulations
Map 15-04-28 Tax Lots 402 & 403
Prepared by James A. Mann LLC**

FILED

AT O'CLOCK

IN THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY

APR 16 1971

H. H. ... Director of the Dept. of Records and Elections of Lane County

by *[Signature]* DEPUTY

LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 426

IN THE MATTER OF AMENDING LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 4

The Board of County Commissioners of Lane County ordains that Lane County Zoning and Land Use Ordinance No. 4, as readopted by Ordinance No. 7-71, be amended as follows and as specifically provided in Appendix A, attached hereto and incorporated herein:

- I. Amend Section IV, Definitions, by adding a definition for "Use, Farm" and "Farm Use", as shown by attached new pages 6, 10, and 10.01.
- II. Add Section VI (1), Exclusive Farm Use 20 District (EFU 20), as shown by attached new pages 11.01 and 11.02.
- III. Add Section VI (2), Farm-Forestry 20 District (F-F 20), as shown by attached new pages 11.03 through 11.06.
- IV. Amend Section VI, Agriculture, Grazing, Timber-Raising District (AGT), as shown by attached new pages 12 through 13.04.
- V. Add Section VI (4), Farm and Recreation District 5 (FF 5), as shown by attached new pages 13.05 through 13.09.
- VI. Add Section VI (5), Interim Agriculture Combining District (/IA), as shown by attached new page 13.10.
- VII. Add Section VII-I, Rural Residential District (RR), as shown by attached new pages 15.01 through 15.05.

VIII. Amend Section XVI-I (1), Mobile Home District, to allow mobile homes in the EFU 20, F-F 20, FR 5, and RR Districts, and to allow provisions for temporary mobile home permits for employees in the EFU 20, F-F 20, and FR 5 Districts, as shown by attached new page 43.

Enacted this 14th day of April 1971.

APPROVED AS TO FORM
DATE 3-31-71
Ray E. Adams
OFFICE OF COUNTY COUNSEL

James L. ...
Chairman, Lane County Board of Commissioners

Luby Shriver
Recording Secretary for this Meeting of the Board

The hereinabove ordinance approved and recommended for enactment by majority vote of the Lane County Planning Commission this 23rd day of March, 1971 after giving due notice of public hearing, and holding a public hearing on the 23rd day of February, 1971 and the 23rd day of March, 1971.

Lu Millh
Secretary, Lane County Planning Commission

SECTION IV. DEFINITIONS

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

- a. Three (3), when there are three or more related children under age 18 living in the household;
- b. Four (4), when there are two related children under age 18 living in the household;
- c. Five (5), when there is only one related child under age 18 living in the household;
- d. Six (6), when there are no related children under age 18 living in the household; or

2. A group of not more than five (5) persons, who need not be related by blood marriage, or legal adoption, living together as a single nonprofit housekeeping unit.

FARM USE: See "Use, Farm".

FRATERNITY, SORORITY, STUDENT HOME: A residential building in which living accommodations are furnished to college students.

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

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

GRAZING: The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits. Land uses in any zoned district other than those described above and not included under the definition of "AGRICULTURE" or "TIMBER GROWING", regardless of land ownership, are subject to the provisions of this or other zoning ordinances. Tracts of land of five acres or less shall be, for the purpose of this Ordinance, presumed to be non-grazing, non-agricultural, non-horticultural, and not used for the growing of timber, unless proved to be otherwise.

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

GUEST HOUSE, SERVANTS' QUARTERS: An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests, or by servants employed on the premises.

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

HEIGHT OF BUILDING: See "Building Height".

New (Ord. 426)

SECTION IV. DEFINITIONS

to front, side or rear property lines and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plan applies, and projecting thence due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a sixty degree slope over the applicable development site to a maximum distance of thirty feet, measured horizontally from each development site line.

TIMBER GROWING: The growing of trees for commercial purposes.

TOURIST PARK: All campgrounds, picnic parks, camping vehicle parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or offered free in connection with securing the trade or patronage of such person or for indirect benefit to the owner in connection with a related business.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

USE, FARM (FARM USE): The current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of, or the product of, livestock, poultry, fur bearing animals or honey bees or for cultural use or animal husbandry, or any combination thereof. Includes the preparation and storage of the products raised on such land for man's use and animal use, and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS, Chapter 321, or to the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

Except as limited by the paragraph on current employment of this subsection, farm use land shall not be regarded as being used for the purpose of obtaining a profit in money if the whole parcel has not produced a gross income from farm uses of \$500 per year for three of the five calendar years immediately preceding the assessment day of the tax year for which farm use is claimed by the owner or allowed by the assessor, notwithstanding that such land is included within the boundaries of a farm use zone. In case of question, the burden of proving the gross income of a parcel of land for the years designated in this paragraph is placed upon the owner of the land.

"Current employment" of land for farm use includes (i) land subject to the soil bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188); (ii) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (iii) land planted in orchards or other perennials prior to maturity for bearing crops; and (iv) farm woodlots of less than 20 acres appurtenant to farm use land which fulfills the requirements of the paragraph on gross income of this subsection. The acres of land within the categories described in this paragraph shall not be subject to the requirements of the paragraph on gross income of this subsection.

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

SECTION IV. DEFINITIONS

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

YARD, FRONT: A yard between the front line of the building (exclusive of steps) and the front property line.

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

YARD, SIDE: An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

SECTION VI (1). EXCLUSIVE FARM USE 20 DISTRICT (EFU 20)

A. PURPOSE

The Exclusive Farm Use 20 District is intended to provide areas for the continued practice of agriculture, to permit the establishment of only those new uses compatible to agricultural activities, to provide automatic farm use valuation for farms qualifying under the provisions of Oregon Revised Statute 308, to be applied only in areas generally well suited for farming, to guarantee the preservation and maintenance of areas so classified, and is subject to change only in those instances where there is substantial evidence the land is no longer suitable for agriculture or there are significant changes in the land needs of the County.

B. PERMITTED BUILDINGS AND USES

The following types of buildings and uses, notwithstanding any others that may be permitted under the general provisions of this Ordinance, are permitted:

1. Farm uses (see "Farm Use" definition).
2. Except as limited by paragraphs 3 and 4 below, accessory buildings customarily provided in conjunction with a use permitted in this District.
3. The following uses, when involving buildings, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a farm use, and are not a separate business or enterprise; provided the lot area is a minimum of twenty (20) acres:
 - a. Hop, nut and fruit driers.
 - b. Feed mixing and storage facilities.
 - c. Hullers.
 - d. Mint distilleries.
 - e. Seed processing, packing, shipping and storage.
 - f. Plants for the storage or packing of agricultural products produced on the premises.
 - g. Feed lots.
 - h. Temporary or portable sawmills, barkers and chippers.
 - i. Any other similar processing and allied farm commercial activities approved by the Planning Commission.
4. The following uses, when involving buildings, provided the lot area is a minimum of twenty (20) acres:
 - a. Poultry ranching.
 - b. Dairying.
5. Sale of agricultural products and livestock grown or raised on the premises.
6. One single-family dwelling per lot or one mobile home per lot pursuant to a mobile home use permit approved in compliance with Section XVI-I (3).
7. Guest house.
8. Airplane strips for private use by the owner or operator of the property and private hunting and fishing preserves, provided the area is a minimum of twenty (20) acres, and further provided such use is in conjunction with a farm use as defined by this Ordinance.

(EFU 20) SECTION VI (1). EXCLUSIVE FARM USE 20 DISTRICT

9. Public and semi-public buildings and structures rendering direct utility service to the public in local areas, such as, fire stations, utility substations, and pump stations.

C. CONDITIONAL USES

The following conditional uses and no others, notwithstanding any others that may be permitted under the general provisions of this Ordinance, are subject to a conditional use permit granted pursuant to the general provisions of this Ordinance providing for the granting of conditional use permits:

1. Uses, listed in paragraphs 3, 4, and 8 of subsection "B" preceding when the lot area is less than twenty (20) acres.
2. Churches.
3. Public and private schools.
4. Parks, playgrounds, or community centers owned by a governmental agency or a non-profit community organization.
5. Electric transmission facilities transmitting electric current in excess of 75,000 volts on any single cable or line or group of cables or lines.
6. Flood control facilities and irrigation projects.
7. Accessory dwellings for persons employed on the premises.
8. Penal farms.

D. YARD REGULATIONS

1. Front yard setback shall be twenty (20) feet.
2. Side yard setback shall be as follows:
 - a. Interior yard -- fifteen (15) feet for a main building; five (5) feet for an accessory building or structure.
 - b. Street side yard -- twenty (20) feet.
3. Rear yard setback shall be twenty (20) feet for a main building; five (5) feet for an accessory building or structure.

E. AREA

1. The minimum area for the division of land shall be twenty (20) acres; except that the division of agricultural land by lease or rental for any farm use purpose is permitted, provided however, that no structure or building may be erected appurtenant to such division of land except those permitted under Section VI (1)-B-2 of this Ordinance; and except further, division of land for less than twenty (20) acres is permissible for uses permitted under Section VI (1)-B-9 and permitted conditionally in the EFU 20 District, except under Section VI (1)-C-7.
2. For each accessory dwelling or mobile home unit approved conditionally under Section VI (1)-C-7, except farm labor camps, the lot shall contain a minimum average of five (5) acres per such accessory unit.

F. VISION CLEARANCE

SECTION VI (2). FARM-FORESTRY 20 DISTRICT (F-F 20)**A. PURPOSE**

The Farm Forestry 20 District is intended to provide farming, grazing or timber production areas as free as practicable from conflicts with urban and other uses incompatible with farming, grazing, or timber production uses, as well as being intended to be used in otherwise remote areas of the County not appropriate for more intensive development than permitted by the regulations of this District.

B. PERMITTED BUILDINGS AND USES

In the F-F 20 District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Ordinance beginning with and following Section XVII:

1. The following farm uses:
 - a. General farming, including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed, and similar food and fibre products.
 - b. Pastures and grazing.
 - c. Animal husbandry, including the breeding and raising of cattle, sheep, horses, goats, pigs, and rabbits; provided that such raising activities are not a part of, nor conducted in conjunction with any livestock sales yard, slaughter house, or animal by-product business.
 - d. Poultry ranching, provided the lot area is a minimum of twenty (20) acres.
 - e. Dairying, provided the lot area is a minimum of twenty (20) acres.
 - f. Raising and selling of fur bearing animals.
 - g. Keeping of honey bees and the production and sale of honey.
2. The management, growing, and harvesting of forest products, including Christmas tree raising.
3. The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a use permitted in paragraphs 1 and 2 above, and are not a separate business or enterprise; provided the lot area is a minimum of twenty (20) acres.
 - a. Hop, nut and fruit driers.
 - b. Feed mixing and storage facilities.
 - c. Hullers.
 - d. Mint distilleries.
 - e. Seed processing, packing, shipping and storage.
 - f. Plants for the storage or packing of agricultural products produced on the premises.
 - g. Feed lots.
 - h. Temporary and portable sawmills, barkers, and chippers.
 - i. Any other similar processing and allied farm commercial activities approved by the Planning Commission.
4. Sale of agricultural products and livestock grown or raised on the premises.
5. One single-family dwelling per lot or one mobile home per lot pursuant to a mobile home use permit approved in compliance with Section XVI-I (3).

(E-F 20) SECTION VI (2). FARM-FORESTRY 20 DISTRICT

6. Guest house.
7. Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
8. Airplane strips and helipads for the private use of owner or operator of the property and private hunting and fishing preserves, provided the area is a minimum of twenty (20) acres.
9. Home occupation. (See Home Occupation Permit provisions.)
10. Public and semi-public buildings and structures rendering direct service to the public in local areas, such as, fire stations, utility substations, and pump stations.

C. CONDITIONAL USES

The following conditional uses, subject to a conditional use permit granted pursuant to the general provisions of this ordinance providing for the granting of conditional use permits:

1. Uses listed in paragraphs 1(c), 1(d), 3 and 8 of subsection B preceding when the lot area is less than twenty (20) acres.
2. The following uses, when such uses are operated as a separate business or enterprise not in conjunction with a farm use in certain locations determined not to be detrimental to the agricultural character of the area and to be of benefit to the community at large; for example, along railroads, major highways, or in small population centers:
 - a. Hop, nut and fruit driers.
 - b. Feed mixing and storage facilities.
 - c. Hullers.
 - d. Mint distilleries.
 - e. Seed processing, packing, shipping and storage.
 - f. Plants for the storage, packing, or wholesaling of agricultural products produced on the premises.
 - g. Feed lots.
 - h. Temporary and portable sawmills, barkers and chippers.
 - i. Any other similar activities or other allied farm commercial activities.
3. Animal hospitals.
4. Churches.
5. Public and private schools.
6. Parks, playgrounds and community centers owned by a governmental agency or a non-profit community organization.
7. Lodges and grange halls.
8. Electric transmission facilities transmitting electric current in excess of 75,000 volts in any single cable or line or group of cables or lines.
9. Flood control facilities and irrigation projects.

REEL

55 PAGE 689

SECTION VI (2). FARM-FORESTRY 20 DISTRICT (F-F 20)

10. Radio and TV transmission towers.
11. Accessory dwellings for persons employed on the premises.
12. Stables, riding academies, and commercial riding; provided such activities are contained on the property authorized for conditional use permit approval.
13. Airports, heliports, or aircraft landing fields.
14. Cemeteries.
15. Golf courses.
16. Penal farms.
17. Radio and TV stations.
18. Rock, sand, gravel, and loam excavations, extraction of mineral resources, with incidental processing.
19. Sanitary landfills.
20. Tourist parks.
21. Camping vehicle parks.
22. Campgrounds.
23. Other uses not specifically authorized any place in the Ordinance.

YARD REGULATIONS

1. Front yard setback shall be twenty (20) feet.
2. Side yard setback shall be as follows:
 - a. Interior yard -- fifteen (15) feet for a main building; five (5) feet for an accessory building or structure.
 - b. Street side yard -- twenty (20) feet.
3. Rear yard setback shall be twenty (20) feet for a main building; five (5) feet for an accessory building or structure.

AREA

1. The minimum area for the division of land shall be twenty (20) acres; except that the division of agricultural land by lease or rental for any farm use purpose is permitted, provided however, that no structure or building may be erected appurtenant to such division of land except those permitted under Section VI (2)-B-7 of this Ordinance; and except further, division of land for less than twenty (20) acres is permissible for uses permitted under Section VI (2)-B-10 and permitted conditionally in the F-F 20 District, except under VI (2)-C-11.

(F-F 20) SECTION VI (2). FARM-FORESTRY 20 DISTRICT

2. For each accessory dwelling or mobile home unit approved conditionally under Section VI (2)-C-11, except farm labor camps, the lot shall contain a minimum average of five (5) acres per such accessory unit.

F. VISION CLEARANCE

Vision clearance for corner lots shall be a minimum of fifteen (15) feet.

SECTION VI (3). ^{REF. 55 PAGE 691} AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT (AGT)

A. PURPOSE

The Agriculture, Grazing, Timber Raising District is intended to provide areas for rural density residential development and continuation of farm uses and timber production where compatible with each other. It is appropriate to be applied to areas which have, by nature of use and land division activity, already begun a transition from rural to urban use, primarily in the outer portions of the rural-urban fringe areas where public facilities and services will be necessary before intensive urbanization should occur, and in rural lands with marginal suitability for agricultural production.

B. PERMITTED BUILDINGS AND USES

In the AGT District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this Section, subject to the general provisions and exceptions set forth in this Ordinance beginning with and following Section XVII:

1. The following farm uses:
 - a. General farming, including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed, and similar food and fibre products.
 - b. Pastures and grazing.
 - c. Except as limited by subsection C-1 following, animal husbandry, including the breeding and raising of cattle, sheep, horses, goats and rabbits; provided that such raising activities are not a part of, nor conducted in conjunction with any livestock sales yard, slaughter house, or animal by-product business; provided further that such uses on lots of less than five (5) acres shall be subject to the area requirements of Section VI (3)-E-5.
 - d. Raising and selling of fur bearing animals.
 - e. Keeping of honey bees and the production and sale of honey.
2. The management growing and harvesting of forest products, including Christmas tree raising.
3. One single-family dwelling or two-family dwelling per lot or one mobile home per lot pursuant to a mobile home use permit approved in compliance with Section XVI-I (3).
4. Normal accessories for a mobile home, such as awning, cabana, ramada, patio, carport, garage or storage building, pursuant to an original mobile home use permit or subsequent permit for only accessories.
5. Guest house.
6. Parks, playgrounds, and community centers owned and operated by a governmental agency.
7. Lodges and grange halls.
8. Public and semi-public buildings and structures essential to the physical and economic welfare of an area, such as, fire stations, sub-stations

(AGT) SECTION VI (3). AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT.

and pump stations, provided that interior yards shall be a minimum of twenty-five (25) feet, and no stockpiling or storage of materials shall be allowed.

9. Sale of agricultural products grown or raised on the premises, provided the sales floor area does not exceed three hundred (300) square feet.
10. Home occupations (see home occupation permit provisions).
11. Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.

C. CONDITIONAL USES

The following conditional uses, subject to a conditional use permit granted pursuant to the general provisions of this ordinance providing for the granting of conditional use permits:

1. The following animal husbandry uses, provided the lot area is a minimum of ten (10) acres:
 - a. Breeding and raising of pigs.
 - b. Poultry ranching.
 - c. Dairying.
2. The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a farm use, and are not a separate business or enterprise; provided the lot area is a minimum of ten (10) acres:
 - a. Hop, nut and fruit driers.
 - b. Feed mixing and storage facilities.
 - c. Hullers.
 - d. Mint distilleries.
 - e. Seed processing, packing, shipping and storage.
 - f. Plants for the storage or packing of agricultural products produced on the premises.
 - g. Feed lots.
 - h. Temporary and portable sawmills, barkers, and chippers.
 - i. Any other similar processing and allied farm commercial activities.
3. Sale of agricultural products raised on the premises where the sales floor area exceeds three hundred (300) square feet; the sale of livestock grown and raised on the premises.
4. Kennels and animal hospitals.
5. Churches.
6. Schools.
7. Day nurseries.

8. Group care homes.
9. Hospitals, nursing homes, and sanitariums.
10. Stables, riding academies, and commercial riding; provided such activities are contained on the property authorized for conditional use permit approval.
11. Radio and TV transmission towers.
12. Stadiums.
13. Electric transmission facilities transmitting electric current in excess of 75,000 volts on any single cable or line or group of cables or lines.
14. Flood control facilities and irrigation projects.
15. Accessory dwellings for persons employed on the premises.
16. Airports, heliports, or aircraft landing fields.
17. Cemeteries.
18. Correctional institutions.
19. Sanitary landfills.
20. Golf courses.
21. Jails.
22. Penal farms.
23. Radio and TV stations.
24. Rock, sand, gravel, and loam excavations and extraction of mineral resources, with incidental processing.
25. Sewage treatment plants.
26. Mobile home parks.
27. Tourist parks.
28. Camping vehicle parks.
29. Campgrounds.
30. Other uses not specifically authorized any place in the Ordinance.

(AGT) SECTION VI (3). AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT

D. YARD REGULATIONS

1. Front yard setback shall be twenty (20) feet.
2. Side yard setback shall be as follows:
 - a. Ten (10) percent of the lot width for an interior yard, but in no case shall be more than fifteen (15) feet nor less than ten (10) feet.
 - b. Twenty (20) feet for a street side yard for a reverse corner lot; ten (10) percent of the lot width for a street side yard for a regular corner lot, but in no case shall be more than twenty (20) feet nor less than ten (10) feet.
3. Rear yard setback shall be twenty (20) feet for a main building; five (5) feet for an accessory building or structure.

E. AREA

1. Any property zoned AGT after the effective date of Ordinance 426 shall be designated AGT-5, and the minimum area for division of land for any property so designated shall be five (5) acres; except:
 - a. The division of agricultural land by lease or rental for any farm use purpose is permitted, provided however, that no structure or building may be erected appurtenant to such division of land except those permitted under Section VI (3)-B-11 of this Ordinance.
 - b. Division of land for less than five (5) acres is permissible for uses permitted under Section VI (3)-B-7 and B-8 and permitted conditionally in the AGT District except under Section VI (3)-C-15.
2. The minimum area for the division of land for any property zoned AGT prior to the effective date of Ordinance 426 shall be one (1) acre and shall have a lot width of not less than one hundred fifty (150) feet.
3. For each accessory dwelling or mobile home unit approved conditionally under Section VI (3)-C-15, except farm labor camps, the lot shall contain a minimum average of five (5) acres per such accessory unit.
4. A single-family dwelling or mobile home only may be established on any lot separately owned as of September 13, 1969 which does not conform to the area requirements provided in paragraphs 1 and 2 above.
5. The main building and accessory buildings located on any one building site or lot shall not cover in excess of thirty (30) percent of the lot area.

6. The following animal use area regulations shall apply on lots of less than five (5) acres:

a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than one (1) acre. The minimum area for such animals (other than their young under the age of six months) on less than five (5) acres shall be as follows:

Horses One (1) per acre, plus one (1) additional for every 15,000 sq. ft.

Cow One (1) per acre, plus one (1) additional for every 10,000 sq. ft.

Goat or sheep Five (5) per acre, plus one (1) additional for every 2,000 sq. ft.

The area of a property may be utilized one time only for the computation of the above allowable animal usage.

- b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one for each five hundred (500) square feet of property. The number of young chickens, fowl and/or rabbits (under the age of six (6) months) allowed on the property any time shall not exceed three (3) times the allowable number of chickens, fowl, and/or rabbits over the age of six (6) months.
- c. The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each two thousand (2,000) square feet of lot area.
- d. Animal runs, stables, barns, corrals of less than one half acre, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property, but not closer than seventy (70) feet from the front property line no closer than forty (40) feet from any residence or other property line.

Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal and poultry food shall be stored so as to be rodent-proof.

When an AGT District is reclassified to another district, all those animal uses in this paragraph shall be required to comply with the requirements of said other district for such uses within a period of six (6) months from the date of reclassification.

F. VISION CLEARANCE

Vision clearance for corner lots shall be a minimum of fifteen (15) feet.

G. PARKING SPACE REQUIRED

There shall be at least one (1) permanently reserved parking space, or private garage, on the same lot, or attached to or made a part of the main building. Such parking space shall be not less than eight (8) feet wide and eighteen (18) feet long. The parking space or garage shall be provided at the time of the erection of the main building, and it shall have adequate provisions for ingress and egress by standard-sized automobiles. For parking space requirements for buildings other than dwellings, see "General Provisions", Section XVII, subsection B, paragraph 1.

H. SITE DEVELOPMENT REQUIREMENTS FOR SUBDIVISION LOTS RECORDED PRIOR TO SEPTEMBER 13, 1969.

Any lot in a major or minor subdivision plat that was recorded as of September 13, 1969 and which is less than one (1) acre in size shall have the use regulations, and the Signs, Height, Area, and Building Setback requirements of Section VIII, Suburban District (RA).

Attachment 6

**History of Lane County Land Use Regulations
Map 15-04-28 Tax Lots 402 & 403
Prepared by James A. Mann LLC**

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 10-04

IN THE MATTER OF AMENDING CHAPTERS 10, 13, 15 AND 16 OF LANE CODE TO IMPLEMENT THE LANE COUNTY TRANSPORTATION SYSTEM PLAN BY ADOPTING NEW AND REVISED RULES, REGULATIONS AND STANDARDS RELATING TO EXISTING AND FUTURE TRANSPORTATION AND ACCESS NEEDS IN LANE COUNTY.

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

Chapters 10, 13, 15 and 16 of Lane Code are hereby amended by removing, substituting, and adding new sections as follows:

REMOVE THESE SECTIONS

NONE

10.100-10
as located on pages 10-18 through 10-22
(a total of 5 pages)

10.101-10
as located on page 10-28
(a total of 1 pages)

10.102-10 through 10.102-15
as located on pages 10-31 through 10-32
(a total of 2 pages)

10.103-10 through 10.103-15
as located on pages 10-34 through 10-35
(a total of 2 pages)

10.103-40
as located on page 10-37
(a total of 1 page)

10.104-10 through 10.104-15
as located on pages 10-39 through 10-40
(a total of 2 pages)

10.104-30
as located on page 10-42
(a total of 1 page)

10.105-10 through 10.105-15
as located on pages 10-43 through 10-46
(a total of 4 pages)

INSERT THESE SECTIONS

10.090
as located on page 10-16
(a total of 1 page)

10.100-10
as located on pages 10-18 through 10-22
(a total of 5 pages)

10.101-10
as located on pages 10-28 through 10-29
(a total of 2 pages)

10.102-10 through 10.102-15
as located on pages 10-31 through 10-33
(a total of 3 pages)

10.103-10 through 10.103-15
as located on pages 10-34 through 10-35
(a total of 2 pages)

10.103-40
as located on page 10-37
(a total of 1 page)

10.104-10 through 10.104-15
as located on pages 10-39 through 10-40
(a total of 2 pages)

10.104-30
as located on page 10-42
(a total of 1 page)

10.105-10 through 10.105-15
as located on pages 10-44 through 10-46
(a total of 3 pages)

10.106-10
as located on pages 10-48 through 10-52
(a total of 5 pages)

10.106-40
as located on page 10-57
(a total of 1 page)

10.107-10
as located on pages 10-110 through 10-117
(a total of 8 pages)

10.107-40
as located on page 10-122
(a total of 1 page)

10.108-10 through 10.108-15
as located on pages 10-123 through 10-125
(a total of 3 pages)

10.110-10 through 10.110-15
as located on pages 10-126 through 10-128
(a total of 3 pages)

10.112-10
as located on page 10-131
(a total of 1 page)

10.112-20
as located on pages 10-132 through 10-133
(a total of 2 pages)

10.113-10
as located on page 10-135
(a total of 1 page)

10.113-20
as located on pages 10-136 through 10-137
(a total of 2 pages)

10.125-10 through 10.125-15
as located on pages 10-144
(a total of 1 page)

10.130-10 through 10.130-15
as located on pages 10-146 through 10-147
(a total of 2 pages)

10.135-10 through 10.135-15
as located on pages 10-150 through 10-152
(a total of 3 pages)

10.106-10
as located on pages 10-48 through 10-53
(a total of 6 pages)

10.106-40
as located on page 10-58
(a total of 1 page)

10.107-10
as located on pages 10-110 through 10-117
(a total of 8 pages)

10.107-40
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10.110-10 through 10.110-15
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10.112-10
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10.112-20
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10.113-10
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10.113-20
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10.130-10 through 10.130-15
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10.135-10 through 10.135-15
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10.145-10 through 10.145-15
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10.150-10 through 10.150-15
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10.154-10 through 10.154-15
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10.155-10 through 10.155-15
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10.160-10 through 10.160-15
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10.165-10 through 10.165-15
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10.166-10 through 10.166-15
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10.170-10 through 10.170.15
as located on pages 10-224 through 10-225
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10.175-10
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10.180-10
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10.182-15 through 10.182-20
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10.200-10
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10.140-10 through 10.140-15
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10.145-10 through 10.145-15
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10.154-10 through 10.154-15
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10.155-10 through 10.154-15
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10.160-10 through 10.160-15
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10.165-10 through 10.165-15
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10.166-10 through 10.166-15
as located on pages 10-222 through 10-223
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10.170-10 through 10.170.15
as located on pages 10-224 through 10-225
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10.175-10
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10.180-10
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10.200-10
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10.201-10
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10.201-15
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10.205-10 through 10.205-15
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10-225-10
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10-230-10
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10.235-10
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10-335-18 through 10-335-20
as located on pages 10-441 through 10-443
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NONE

13.050 through 13.105
as located on pages 13-3 through 13-12
(a total of 10 pages)

13.400
as located on page 13-16
(a total of 1 page)

15.005 through 15.315
as located on pages 15-1 through 15-35
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15.605 through 15.620
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15.630 through 15.640
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10.201-10
as located on pages 10-245 through 10-246
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10.201-15
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10.205-10 through 10.205-15
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10-225-10
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10-230-10
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10.235-10
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10.500-05 through 10.500-20
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13.050 through 13.105
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13.400
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15.005 through 15.315
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15.605 through 15.620
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15.630 through 15.640
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15.695 through 15.710
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15.720 through 15.955
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NONE

16.210 through 16.211
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(a total of 31 pages)

16.212 through 16.216
as located on pages 16-105 through 16-153
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16.217
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16.219 through 16-232
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16.234
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16.235 through 16-236
as located on pages 16-306 through 16-312
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16.247
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16.253
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16.257 through 16-258
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NONE

16.290 through 16.295

15.695 through 15.710
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15.720 through 15.955
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16.095
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16.210 through 16.211
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16.212 through 16.216
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16.217
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16.219 through 16-232
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16.234
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16.235 through 16-236
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16.247
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16.253
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16.257 through 16-258
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16.265
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16.290 through 16.295

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as located on pages 16-512 through 16-543
(a total of 32 pages)

16.400
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16.400
as located on pages 16-544 through 16-548
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Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to implement the Lane County Transportation System Plan by adopting new and revised rules, regulations and standards relating to existing and future transportation and access needs in Lane County.

While not part of this Ordinance, findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this 5th day of MAY 2004.


Chair, Lane County Board of Commissioners


Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 3-29-2004 Lane County


OFFICE OF LEGAL COUNSEL

**EXCLUSIVE FARM USE ZONE (E-RCP)
RURAL COMPREHENSIVE PLAN**

16.212 Exclusive Farm Use Zone (E-RCP).

(1) **Purpose.** The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) **Definitions.** Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) **Contiguous.** "Contiguous" means connected in such a manner as to form a single block of land.

(b) **Date of Creation and Existence.** When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) **Dwelling.** "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) **Farm Unit.** "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) **High Value Farm Land.** "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne,

Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIc, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Bremar and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueth Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of "high value farmland."

(f) Irrigated. "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(g) Tract. "Tract" means one or more contiguous lots or parcels in the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a

determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

- (a) Farm Use (See the definition of "farm use" in LC 16.090).
- (b) Propagation or harvesting of a forest product.
- (c) Other buildings customarily provided in conjunction with farm use.
- (d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- (e) Operations for the exploration for minerals as defined by ORS 517.750.
- (f) Creation of, restoration of, or enhancement of wetlands.
- (g) A winery that:
 - (i) Is a facility producing wine with a maximum production of less than 50,000 gallons and that:
 - (aa) Owns an on-site vineyard of at least 15 acres;
 - (bb) Owns a contiguous vineyard of at least 15 acres;
 - (cc) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - (dd) Obtains grapes from any combination of the LC 16.212(3)(g)(i)(aa) through (cc) above; or
 - (ii) Is a facility producing wine with a maximum production of at least 50,000 gallons and no more than 100,000 gallons and that:
 - (aa) Owns an on-site vineyard of at least 40 acres;
 - (bb) Owns a contiguous vineyard of at least 40 acres;
 - (cc) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery; or
 - (dd) Obtains grapes from any combination of the requirements in LC 16.212(3)(g)(i) and (ii) above.
 - (iii) A winery described above in LC 16.212(3)(g)(i) or (ii) above shall only allow the sale of:
 - (aa) Wines produced in conjunction with the winery; and
 - (bb) Items directly related to wine, the sale of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
 - (iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that vineyards, described in LC 16.212(3)(g)(i) or (ii) above have been planted or that the contract has been executed, as applicable.
 - (v) The Approval Authority shall adopt findings for each of the standards described in the above LC 16.212(3)(g)(i) or (ii). Standards imposed on the siting of a winery shall be limited solely to each of the following requirements for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

(aa) Establishment of a setback of 100 feet from all property lines for the winery and public gathering places;

(bb) Provision of direct road access, internal circulation and parking; and

(cc) Notwithstanding LC 16.212(g)(v)(aa) above, a setback of less than 100 feet may be established provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(vi) The Approval Authority shall also apply the requirements in LC 16 regarding flood plains, geologic hazards, the Willamette River Greenway, airport safety or other regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

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

(j) 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.

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

(l) 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.

(m) 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.

(n) 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.

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

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm

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

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

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

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

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

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

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

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

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

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

(i) A public right of way;

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

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

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

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

(a) Home occupations that comply with these requirements:

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

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

- (iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;
- (iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;
- (v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;
- (vi) LC 16.212(10)(f) through (g) below;
- (vii) Shall not be used as a justification for a zone change;
- (viii) Shall comply with any additional conditions of approval established by the Approval Authority;
- (ix) May include the parking of vehicles if the home occupation is located on high value farm land; and

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved 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(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

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

(c) Commercial activities in conjunction with farm use but not including the primary processing of farm crops pursuant to LC 16.212(4)(h) below, that comply with LC 16.212(10)(f) through (g) below.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection

with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the primary processing of farm crops that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility; and

(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(i) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(aa) Technical and engineering feasibility;

(bb) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(cc) Lack of available urban and non-resource lands;

(dd) Availability of existing rights of way;

(ee) Public health and safety; and

(ff) Other requirements of state and federal agencies.

(ii) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(iii) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(iv) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(v) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(vi) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264; and

(vii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Public parks shall include only those uses specified under OAR 660-034-0035; and

(iii) A public park may be established consistently with ORS 195.120.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, uses described in LC 16.212(4)(k) above are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(dd) 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;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt; and

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

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

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

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

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) 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) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 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.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the State Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020 and that comply with these requirements:

(i) Uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(q)(i) above and (iv) below, lawfully existing facilities described in LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or

expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting facilities allowed on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses described in LC 16.212(4)(r) above shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(ii) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

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

(iv) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995; and

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum

and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65; and

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

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

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

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

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

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

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre,

crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

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

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

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

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools, including all buildings essential to the operation of a school, that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iii) On land that is not high value farmland, new public or private schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

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

(ii) New destination resorts are not permitted on high value farm land.

(d-d) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings for its operation that complies with these requirements:

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