

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-08

IN THE MATTER OF AMENDING LANE CODE (LC) 16.090 (DEFINITIONS), LC 16.210 (F-1 ZONE), LC 16.211 (F-2 ZONE), LC 16.212 (EFU ZONE), LC 16.214 (ML ZONE), AND LC 16.264 (TELECOMMUNICATION TOWER STANDARDS) TO UPDATE DEFINITIONS, MODERNIZE TERMINOLOGY, ENHANCE THE USER EXPERIENCE BY SIMPLIFYING THE CODE, STREAMLINE REVIEW PROCESSES, AND ALIGN THE CODE MORE CLOSELY WITH STATE LAW; AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE. (FILE NO. 509-PA18-05035)

WHEREAS, amendments to Lane Code Chapter 16 are desired to add, revise, and delete definitions and provisions to modernize the entire Chapter; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearings held on February 20, 2018 and April 3, 2018, making a recommendation for approval to the Board of County Commissioners after deliberations on July 17, 2018; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on September 11, 2018, and continued public hearing on November 6, 2018, and is now ready to take action; and

WHEREAS, the Board of County Commissioners finds that amendments to siting criteria of Lane Code 16.210 to 16.212 are not intended to and do not constitute a change of applicable criteria for the purpose of Lane Code Chapter 14 timeline extension requirements.

NOW, THEREFORE, IT IS HEREBY ORDAINED, Lane Code Chapter 16 is hereby amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

16.090
16.210
16.211
16.212
16.214
16.264

INSERT THESE SECTIONS

16.090
16.210
16.211
16.212
16.214
16.264

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

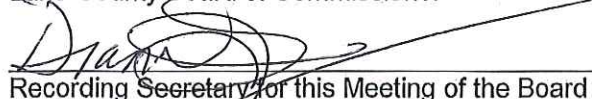
Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

Ordinances, Lane Code sections, and regulations amended by this Ordinance remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution, or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance, code section, or regulation prior to the effective date of this Ordinance.

ENACTED this 15th day of January, 2019



Lane County Board of Commissioner



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date

LANE COUNTY CLERK OF LEGAL COUNSEL

16.090 Definitions.

When a Term Is Not Defined. Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.

Conflicting Definitions. Where a term defined in section 13.030 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the term in this section will control.

Definitions. For the purposed of Chapter 16 of the Lane Code, unless the context requires otherwise, the following words and phrases mean:

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

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

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

(4) Accessory Structure. A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use.

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

(6) Agriculture. Synonymous with definition of "farm use."

(7) Agricultural Building. Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

- (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
- (ii) The raising, harvesting and selling of crops or forest products;
- (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (iv) Dairying and the sale of dairy products;
- (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(b) "Agricultural building" does not include:

- (i) A dwelling;
- (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
- (iv) A structure used by the public; or
- (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

- (i) Stabling or training equines; or
- (ii) Riding lessons and training clinics;

- (d) "Equine facility" does not include:
- (i) A dwelling;
 - (ii) A structure in which more than 10 persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or
 - (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.
- (e) A person may not convert an agricultural building authorized for a forest use or mixed farm and forest use to another use.
- (8) Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.
- (9) Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.
- (10) Amendment, Minor. A change to a preliminary plan, plat or map which:
- (a) Does not change the number of lots or parcels created by the subdivision or partition;
 - (b) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
 - (c) Does not change the general location or amount of land devoted to a specific land use; or
 - (d) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.
- (11) Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.
- (12) Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.
- (13) Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- (14) Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.
- (15) Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.
- (16) Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.
- (17) Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.
- (18) Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.
- (19) Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.
- (20) Auxiliary. As used in the F-1 zone and F-2 zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- (21) Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

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

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

(24) Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is cited as a home occupation on the same tract as a Winery or Cider Business, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery or Cider Business.

(25) Biofuel. The liquid, gaseous or solid fuels derived from biomass, that have been converted into processed fuel ready for use as energy by a biofuel producer's customers or for direct biomass energy use at a biofuel producer's site.

(26) Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

- (a) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;
- (b) Wood material from hardwood timber described in ORS 321.267(3);
- (c) Agricultural residues;
- (d) Offal and tallow from animal rendering;
- (e) Food wastes collected as provided under ORS Chapter 459 or 459A;
- (f) Yard or wood debris collected as provided under ORS chapter 459 or 459A;
- (g) Wastewater solids; or
- (h) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.

(27) Board. Board of County Commissioners of Lane County.

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

- (a) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and
- (b) Related facilities, such as training arenas, corrals and exercise tracks.

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

- (i) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.
- (ii) The incidental stabling of not more than four horses.
- (iii) The boarding of horses for friends or guests where no charge is made.
- (iv) Equestrian activities when the raising, feeding, training or grooming of horses

is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

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

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

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

(32) Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land.

This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings. Retaining walls less than four (4) feet in height and fences not higher than six (6) feet are not considered buildings for the sake of general property line setbacks.

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

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

(35) Campground.

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

(b) Applicable to Nonimpacted Forest Lands Zone (F1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU-RCP) only, an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(36) Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

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

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

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

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

(41) 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.

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

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

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

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

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

(47) Compost. The controlled biological decomposition of organic material or the product resulting from such a process.

(48) Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

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

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

(51) Cultured Christmas Trees. Means trees:

(a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

(52) Current Employment of Land for Farm Use. Includes:

(a) Farmland, the operation or use of which is subject to any farm-related government program;

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(c) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;

(d) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(f) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(g) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);

(h) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(j) Any land described under ORS 321.267(3) or 321.824(3); and

(k) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(iii) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

(53) Date of Creation and Existence. Applicable to Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU, RCP) only. 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.

(54) Day. A calendar day, computed consistent with ORS 174.120.

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

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

(57) Department. The Lane County Department of Public Works.

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

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

(a) The limits of dredging precision which causes "overdepth"; and

(b) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

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

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

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

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

(64) Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators

for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(a) "Disposal site" does not include:

(i) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(ii) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

(iii) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;

(iv) A site operated by a dismantler issued a certificate under ORS 822.110; or

(v) A site used for the storage of dredged materials.

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

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

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

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

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

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

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

(72) 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.

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

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

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

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

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

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

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

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

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

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

(83) Farm Use. Means:

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

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

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

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

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

(f) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);

(g) As used in this definition:

“Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

“Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

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

(a) Involve the human placement of materials; and

(b) Create new uplands or raise the elevation of land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(99) Forest Uses. Forest uses are:

(a) the production of trees and the processing of forest products;

(b) open space, buffers from noise and visual separation of conflicting uses;

(c) watershed protection and wildlife and fisheries habitat;

(d) soil protection from wind and water;

(e) maintenance of clean air and water;

(f) outdoor recreational activities and related support services and wilderness values compatible with these uses; and

(g) grazing land for livestock.

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

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

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

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

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

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

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

(107) Guest House, Employee Quarters. An accessory building without a kitchen or cooking facilities and occupied solely by nonpaying guests or by a person or persons employed on the premises. As used in the F-1, F-2, and EFU zones, means an accessory building without a kitchen or cooking facilities and solely occupied by nonpaying guests.

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

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

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

(a) Historically significant.

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

The above sites are also identified separately in LM 11.300.

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

(112) Hydraulic. Related to the movement or pressure of water.

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

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

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

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

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

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

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

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

(121) Irrigated. 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. For the purposes of this chapter, 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.

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

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

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

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

(126) Lawfully Established Unit of Land.

(a) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

(b) Another unit of land:

(i) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(ii) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(iii) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(c) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

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

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

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

(129) 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.

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

(131) 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.

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

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

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

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

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

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

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

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

(140) Manufactured Dwelling. A residential trailer, mobile home, or manufactured home. "Manufactured dwelling" does not include any building or structure constructed to conform the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 (Duties of director) to 455.450 (Prohibited acts) and 455.610 (Low-Rise Residential Dwelling Code) to 455.630 (Enforcement) or any unit identified as a recreational vehicle by the manufacturer.

(141) Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract. The term "manufactured home" is synonymous with "manufactured dwelling," but does not include a "recreational vehicle."

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

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

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

(145) Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300. (OAR 845-025-1015(24))

(146) Marijuana processing. A use where a marijuana processor processes marijuana.

(a) For the purpose of this definition the term "marijuana processor" means a person who processes marijuana items in the State of Oregon. (OAR 845-025-1015(28)).

(b) For the purpose of this definition the term “processes” means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. (OAR 845-025-1015(39)).

(c) In accordance with ORS 215.213(1)(u), a facility for processing farm crops may be allowed in an Exclusive Farm Use (EFU) zone as part of the marijuana production use:

(i) If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility

(ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.

(iii) A processing facility or establishment must comply with all applicable siting standards.

(147) Marijuana production.

(a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms “farm”, and “farming practice”, as those terms are applied in ORS 30.930.

(b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).

(c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.

(d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.

(e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))

(i) The definition of “produces” does not include:

(aa) Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

(bb) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))

(148) Marijuana research. A use that includes those activities specified in an OLCC approved research proposal that are conducted by qualified public or private researchers that are in possession of a valid OLCC Marijuana Research Certificate pursuant to ORS 845-025-5300.

(149) Marijuana retail sales. A use where marijuana is bought and sold by a marijuana retailer.

(a) For the purpose of this definition the term “marijuana retailer” means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))

(150) Marijuana testing laboratory. A use that includes the testing of marijuana in a laboratory certified by the authority under ORS 438.605 to 438.620 and for the purposes specified within OAR 845-025.

(151) Marijuana wholesale distribution. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling.

(a) For the purpose of this definition the term “marijuana wholesaler” means a person who purchases marijuana items in the State of Oregon for resale to a person other than a consumer. (OAR 845-025-1015(31))

(152) Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional

tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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

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

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

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

(156) Mobile Home. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

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

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

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

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

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

(162) 100 Year Flood. See "Base Flood".

(163) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in

saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

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

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

(166) Outdoor Mass Gathering. A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

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

(168) Parcel.

(a) Includes a unit of land created:

(i) by partitioning land as defined in LC 16.090,

(ii) in compliance with all applicable planning, zoning, and partitioning ordinances

and regulations; or

(iii) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

(b) It does not include a unit of land created solely to establish a separate tax account.

(169) 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.

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

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

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

(173) Partition. Either an act of partitioning land or an area or tract of land partitioned.

(174) Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

(a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;

(c) Dividing land as a result of the recording of a subdivision or condominium plat;

(d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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

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

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

(178) Planning Commission. The Planning Commission of Lane County, Oregon.

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

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

(181) Preparation. See “farm use” definition.

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

(183) Processed. As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption

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

(185) Property Line. “Property line” means the division line between two units of land.

(186) Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

(187) Received. Acquired by or taken into possession by the Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(202) Rural Land. Land outside urban growth boundaries that is:

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

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

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

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

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

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

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

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

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

(208) Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag,

emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

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

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

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

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

(213) Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

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

(222) Tract.

(a) A lot or parcel as defined in LC 16.090.

(b) For the purposes of LC 16.211, “Tract” means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

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

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

(226) Veterinary Clinic. Synonymous with the definition of “animal hospital.”

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

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

(i) “Access” means physical contact with or use of the water;

(ii) “Energy production” means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

(iii) “Recreation” means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

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

(v) “Source of water” means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(vi) “Water-borne transportation” means use of water access:

(aa) Which are themselves transportation (e.g., navigation);

(bb) Which require the receipt of shipment of goods by water; or

(cc) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

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

(i) Aquaculture.

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

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

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

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

(6) **Recreational.** Recreational marinas, boat ramps and support.

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

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

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

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

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

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

(233) **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.

(234) **Yard, Side.** An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot.

(235) **Youth Camp.** A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

(236) **Yurt.** A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16; 18-02, 8.9.18)

16.095 Compliance with LC Chapter 15, Roads.

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

DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN

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

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

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

**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)
RURAL COMPREHENSIVE PLAN**

F-1 Zone Table of Contents

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16.210 Nonimpacted Forest Lands (F-1, RCP)

(1) Purpose

The purpose of the Nonimpacted Forest Land (F-1) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-1 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-1 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-1 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size, prohibition of new dwellings, and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.210-1 sets forth the uses allowed in the F-1 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.210-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.210.

As used in Table 16.210-1:

- (a) Use Type:
 - (i) "A" means the use is allowed outright or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) "AL" means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The "Subject To" column identifies any specific provisions of LC 16.210 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.210(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.210(5) and (6). Any new structure subject to LC 16.210(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.210-1: Use Table for Nonimpacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			

Table 16.210-1: Use Table for Nonimpacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
2.	Residential Uses			
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(n), (5), (6)
2.2.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(a), (3)(n)-(p), (5), (6)
2.3.	Temporary hardship dwelling	C	II	(3)(b), (3)(n), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(d)
3.6.	Home occupations	C	II	(3)(c), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(i), (4), (5), (6)
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(e), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(f), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(j), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(j), (4)
5.19.	Continuous median turn lanes	C	II	(3)(j), (4)

Table 16.210-1: Use Table for Nonimpacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.20.	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	C	II	(3)(j), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.210 that serve local travel needs	C	II	(3)(j), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm irrigation and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(g), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(k), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(h), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(l), (4), (5), (6)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(m)
9.	Accessory Uses			
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.210.	A	P or II	(3)(p), (5), (6)

(3) Use Standards

- (a) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:
 - (aa) Has intact exterior walls and roof structures;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and
 - (dd) Has a heating system;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (b) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling (MH), or recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

- (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(b)(i)(cc) below, approval of a temporary hardship dwelling permit is valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirement;
 - (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
- (ii) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(b) above cannot be eligible for replacement under (3)(a) above.
- (c) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-1 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.210;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
 - (d) An in-home commercial activity must comply with the following requirements:
 - (i) Meets the criteria under Section (3)(c)(i), (ii), (iii), (v), and (vi);

- (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;
 - (iii) Is conducted within a dwelling;
 - (iv) Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage;
 - (v) Does not serve clients or customers on-site;
 - (vi) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and
 - (vii) Does not include the outside storage of materials, equipment, or products.
- (e) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
- (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (f) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
- (i) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted;
 - (iii) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (g) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (h) Private Parks and Private Campgrounds.
- (i) Campgrounds in private parks may be permitted, subject to the following:

- (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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 or other natural features between campsites;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
 - (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(h)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (i) Permanent facility for the primary processing of forest products.
- (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(i)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (j) Certain transportation facilities and uses must comply with the following:

- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. Lane County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (k) Youth Camps
- (i) The purpose of a youth camp is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
 - (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(k)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph (3)(k)(ii)(aa).
 - (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - (ee) A campground as described in Subsection (3)(h) cannot be established in conjunction with a youth camp.

- (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
- (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
 - (aa) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination is based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.
 - (bb) Is at least 40 acres in size.
 - (cc) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers must consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property is 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (dd) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:

- (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
- (bb) Primary cooking and eating facilities must be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
- (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.
- (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
- (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
- (ff) Covered areas that are not fully enclosed.
- (gg) Administrative, maintenance, and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
- (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:
 - (aa) The fire siting standards in Section (6).

- (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
- (cc) Except as determined under paragraph (3)(k)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and
 - (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability must be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
- (ee) The provisions of paragraph (3)(k)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs Lane County in writing that on-site fire suppression at the camp is not needed.
- (vi) The Director, or its designate, requires as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

- (l) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
 - (vii) As used in this section, “storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

- (m) Any Outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
 - (ii) The proposed gathering is compatible with existing land uses;
 - (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
 - (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

- (n) For single-family dwellings, the landowner must sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (o) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (p) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.210(5)(a). For the purpose of LC 16.210(3)(p), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.210-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.3, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.210. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:

- (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by nonforest uses;
 - (iii) Where possible, when considering LC 16.210(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot be located closer than:
- (i) 20 feet from the right-of-way of a state road, County road, or a local access public road specified in LC Chapter 15.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).
 - (iv) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(5)(c) above, evidence of domestic water supply means:
- (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or

- (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
 - (i) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules.
 - (ii) The Director must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:
 - (aa) If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line;
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
 - (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.210:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;
 - (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.

- (i) Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein, "driveway" means a way of access used for only one dwelling.
- (ii) Road and Driveway Surfaces. Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.
- (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:
 - (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.210(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or
 - (bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

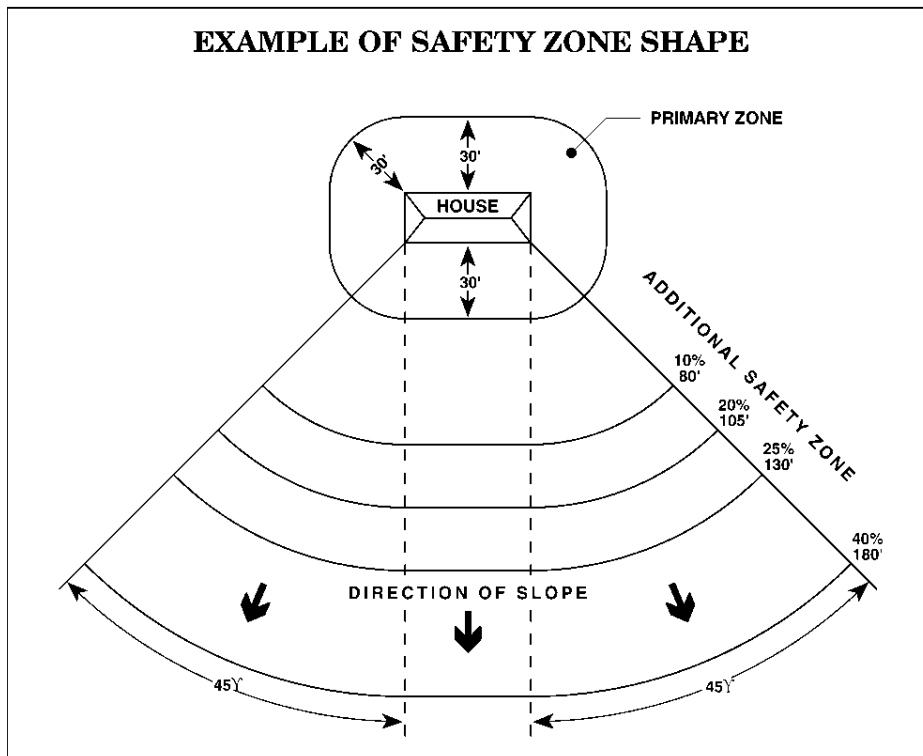
- (cc) Cul-de-sacs or hammerhead turnarounds cannot cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.
- (iv) Bridges and Culverts. Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.
- (v) Road and Driveway Grades. Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access: the use, firefighting equipment, and water supply.
- (vi) Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.
- (vii) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.
- (viii) Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.
- (c) Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.

- (i) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.210. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
- (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.210-2 Minimum Primary Safety Zone

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

Figure 16.210-1



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

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
- (i) The following uses in Table 16.210-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.4. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.7. Reservoirs and water impoundments
 - (ii) Use 6.8. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

- (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and
- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

- (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(a)(i);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in (aa) through (dd) below:

- (aa) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:
 - (A) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
- (bb) Before approving a proposed division of land under this section, the Planning Director must require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:
 - (A) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and
 - (B) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (cc) If a proposed division of land under (7)(b)(v) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.
- (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.
- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-1 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:

- (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16.

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PAGES 16-87 THROUGH 16-91
ARE RESERVED FOR FUTURE EXPANSION

IMPACTED FOREST LANDS ZONE (F-2, RCP)
RURAL COMPREHENSIVE PLAN

F-2 Zone Table of Contents

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16.211 Impacted Forest Lands (F-2, RCP)

(1) Purpose

The purpose of the Impacted Forest Land (F-2) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-2 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-2 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-2 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.211-1 sets forth the uses allowed in the F-2 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.211-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.211.

As used in Table 16.211-1:

- (a) Use Type:
 - (i) “A” means the use is allowed outright or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) “AL” means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The “Subject To” column identifies any specific provisions of LC 16.211 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.211(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.211(5) and (6). Any new structure subject to LC 16.211(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4), “...discretionary approval of a proposed development of land...” an owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(q), (5), (6)
2.2.	Large tract forest dwelling	A	II	(3)(a), (3)(q), (3)(r), (5), (6)
2.3.	Lot of record dwelling	A	II	(3)(b), (3)(q), (3)(r), (5), (6)
2.4.	Template dwelling	A	II	(3)(c), (3)(q), (3)(r), (5), (6)
2.5.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(d), (3)(q), (3)(s), (5), (6)
2.6.	Temporary hardship dwelling	C	II	(3)(e), (3)(q), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(g)
3.6.	Home occupations	C	II	(3)(f), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(l), (4), (5), (6)

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(h), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(i), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(m), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(m), (4)
5.19.	Continuous median turn lanes	C	II	(3)(m), (4)
5.20.	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	C	II	(3)(m), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(m), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation, Solid Waste			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm on and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(j), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(n), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(k), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(o), (4), (5), (6)

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(p)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.211.	A	P or II	(3)(s), (5), (6)

(3) Use Standards

- (a) A large tract forest dwelling may be allowed on a lot or parcel zoned for forest use, but it must comply with other provisions of law, including the following:
 - (i) The tract does not include a dwelling.
 - (ii) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in Lane County or adjacent counties and zoned for forest use.
 - (aa) A tract cannot be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.
 - (iii) Prior to issuance of a building permit, a deed restriction must be filed for all tracts that are used to meet the acreage requirements of this subsection pursuant to:

- (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.
 - (bb) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- (b) A lot of record dwelling may be allowed on a lot or parcel zoned for forest use pursuant to the following:
 - (i) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (iv):
 - (aa) Since prior to January 1, 1985; or
 - (bb) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;
 - (ii) The tract on which the dwelling will be sited does not include a dwelling;
 - (iii) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - (iv) For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members;
 - (v) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined in LC Chapter 15 that provides or will provide access to the subject tract. The road must be maintained and either paved or surfaced with rock and cannot be:
 - (aa) A United States Bureau of Land Management road; or
 - (bb) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency;

- (vi) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract must be consolidated into a single lot or parcel when the dwelling is allowed; and
 - (vii) When the lot or parcel on which the dwelling will be sited lies within an area designated in the Rural Comprehensive Plan as habitat of big game, the siting of the dwelling must be consistent with the limitations on density upon which the Rural Comprehensive Plan and land use regulations intended to protect the habitat are based.
- (c) A single family “template” dwelling authorized on a lot or parcel located within a forest zone pursuant to the following:
- (i) If the lot or parcel is predominantly composed of soils that are:
 - (aa) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (bb) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (cc) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (ii) Lots or parcels within urban growth boundaries cannot be used to satisfy the eligibility requirements of subsection (i) above;
 - (iii) A dwelling, as used in subsection (i) above, is considered to be in the 160-acre template if any part of the parcel is in the 160-acre template;

- (iv) Except as provided by subsection (v) below, if the subject tract abuts a road that existed on January 1, 1993, the measurement required in (i) above may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;
- (v) The following applies where a tract 60 acres or larger abuts a road or perennial stream:
 - (aa) The measurement must be made in accordance with paragraph (iv). However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract;
 - (bb) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling;
- (vi) A proposed "template" dwelling under this section is not allowed:
 - (aa) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph (3)(a)(iii) for the other lots or parcels that make up the tract are met; or
 - (bb) If the tract on which the dwelling will be sited includes a dwelling;
- (vii) Where other lots or parcels that make up a tract in Subsection (vi):
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located;
 - (bb) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located;

- (viii) The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions, and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.
- (d) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:
 - (aa) Has intact exterior walls and roof structures;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and
 - (dd) Has a heating system;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (e) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling (MH), recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(e)(i)(cc) below, approval of a temporary hardship dwelling permit is valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirement;

- (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use or demolished; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
 - (ii) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(e) above cannot be eligible for replacement under (3)(d) above.
- (f) A home occupation must:
- (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-2 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.211;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
- (g) An in-home commercial activity must comply with the following requirements:
- (i) Meets the criteria under Section (3)(f)(i), (ii), (iii), (v), and (vi) ;
 - (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;
 - (iii) Is conducted within a dwelling;
 - (iv) Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage;
 - (v) Does not serve clients or customers on-site;
 - (vi) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and
 - (vii) Does not include the outside storage of materials, equipment, or products.

- (h) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (i) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted;
 - (iii) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (j) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (k) Private Parks and Private Campgrounds.
 - (i) Campgrounds in private parks may be permitted, subject to the following:
 - (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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 or other natural features between campsites;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;

- (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(k)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (l) Permanent facility for the primary processing of forest products.
- (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(l)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (m) Certain transportation facilities and uses must comply with the following:
- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (n) Youth Camps

- (i) The purpose of a youth camp is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
- (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(n)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph (3)(n)(ii)(aa).
 - (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - (ee) A campground as described in Subsection (3)(k) cannot be established in conjunction with a youth camp.
 - (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
 - (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
 - (aa) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination is based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.
 - (bb) Is at least 40 acres in size.

- (cc) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers must consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property is 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (dd) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:
- (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
 - (bb) Primary cooking and eating facilities must be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.

- (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
- (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
- (ff) Covered areas that are not fully enclosed.
- (gg) Administrative, maintenance, and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
- (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:
 - (aa) The fire siting standards in Section (6).
 - (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (cc) Except as determined under paragraph (3)(n)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and

- (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability must be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
- (ee) The provisions of paragraph (3)(n)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
- (vi) The Director, or its designate, requires as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (o) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and

- (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
- (vii) As used in this section, “storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (p) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
 - (ii) The proposed gathering is compatible with existing land uses;
 - (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
 - (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (q) For single-family dwellings, the landowner must sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (r) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (s) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.211(5)(a). For the purpose of LC 16.211(3)(s), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.211-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.6, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by non-forest uses;
 - (iii) Where possible, when considering LC 16.211(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot be located closer than:
 - (i) 20 feet from the right-of-way of a state road, County road, or a local access public road specified in LC Chapter 15.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).

- (iv) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(5)(c) above, evidence of domestic water supply means:
 - (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
 - (i) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules.
 - (ii) The Director must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:

- (aa) If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line;
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
 - (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;

- (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.
- (i) Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.
 - (ii) Road and Driveway Surfaces. Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.
 - (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:

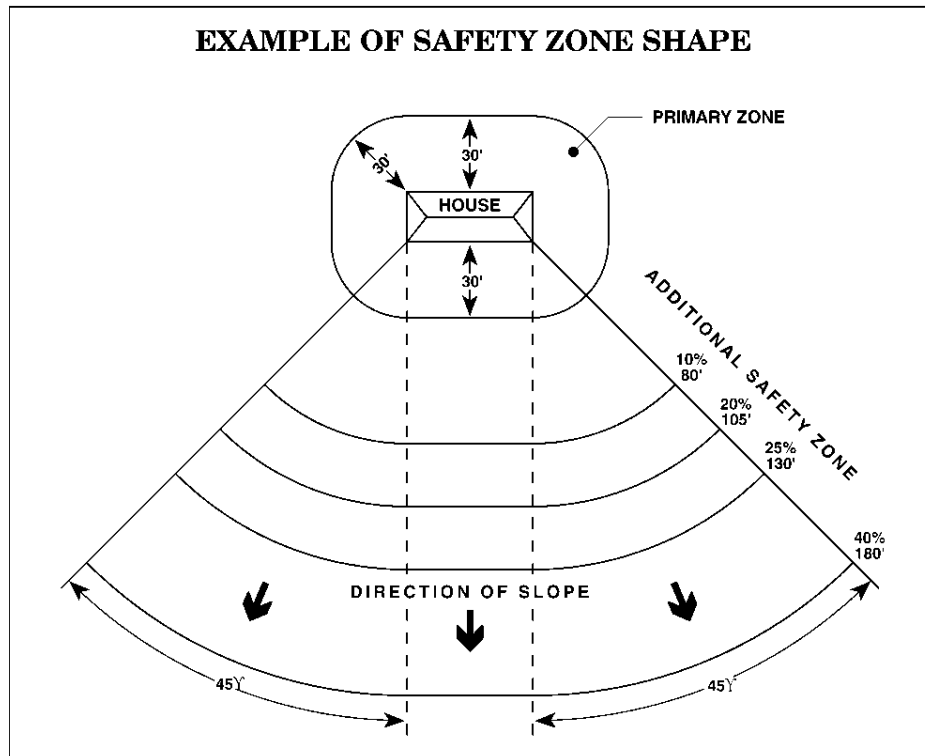
- (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or
- (bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
- (cc) No cul-de-sacs or hammerhead turnarounds must be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.
- (iv) Bridges and Culverts. Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.
- (v) Road and Driveway Grades. Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.
- (vi) Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.

- (vii) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.
- (viii) Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.
- (c) Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.
 - (i) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.211. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
 - (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.211-2 Minimum Primary Safety Zone

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

Figure 16.211-1



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

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
- (i) The following uses in Table 16.211-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.3. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.6. Reservoirs and water impoundments
 - (ii) Use 6.7. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 - (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and

- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

- (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
- (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(d)(ii);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in (aa) through (dd) below:
- (aa) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

- (A) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
- (bb) Before approving a proposed division of land under this section, the Planning Director must require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:
 - (A) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and
 - (B) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (cc) If a proposed division of land under (7)(b)(v) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.
- (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.
- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-2 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

- (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16.

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ARE RESERVED FOR FUTURE EXPANSION

EXCLUSIVE FARM USE ZONE (EFU-RCP)

RURAL COMPREHENSIVE PLAN

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16.212 Exclusive Farm Use Zone (EFU-RCP)

(1) Purpose

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The EFU zone has been applied to lands designated as Agriculture in the Rural Comprehensive Plan. The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

(2) Definitions

For the purpose of LC 16.212, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- (a) Agri-tourism. "Agri-tourism" means a common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals..
- (b) Associated Transmission Lines. "Associated transmission lines" means transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
- (c) Farm Operation. "Farm Operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use as defined in ORS 215.203.
- (d) Farm Operator. "Farm Operator" is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing.

- (e) Golf course. An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of LC 16.212 means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
- (i) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
 - (ii) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
 - (iii) Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this Subsection, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
- (f) High Value Farmland. "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) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa;
 - (iv) 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 (2)(f)(i) and (2)(f)(ii) and the following soils:

- (aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hultt, 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.
- (v) In addition to that land described in (2)(f)(i) and (2)(f)(ii) 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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
- (aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - (bb) Subclassification IIIw, specifically, Brenner and Chitwood;
 - (cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - (dd) Subclassification IVw, specifically, Coquille.
- (vi) In addition to that land described in (2)(f)(i) and (2)(f)(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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
- (aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;
 - (bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and

- (cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.
- (vii) 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.”
- (g) Net Metering Power Facility. “Net metering power facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.213(1)(u) in the Exclusive Farm Use zone;
 - (ii) Is intended to offset part of the customer-generator’s requirements for energy;
 - (iii) Will operate in parallel with a utility’s existing transmission and distribution facilities;
 - (iv) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations; and
 - (v) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (h) Non-Commercial/Stand Alone Power Generating Facility. “Non-commercial/stand-alone power generating facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and ORS 215.213(1)(u) in the Exclusive Farm Use zone;
 - (ii) Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;

- (iii) Operates as a standalone power generator not connected to a utility grid; and
 - (iv) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (i) Relative. A child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew, or first cousin of the farm operator or the farm operator's spouse.

(3) Use Table

Table of Permitted Uses

Table 16.212-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the farm districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.212-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.212-1:

- (a) Uses:
- (i) "A" means the use is outright allowed or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (5)
 - (iii) "X" means use is not allowed.
 - (iv) "HV" means when a property is predominately composed of High Value Soils, as defined in LC 16.212(2)(f).
 - (v) "Non-HV" means when a property is predominately composed of Non-High Value Soils, as defined in LC 16.212(2)(f).
- (b) Procedures:
- (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).

- (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
 - (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
 - (v) "AL" means Assembly License, subject to LC 3.995.
 - (vi) "X" means no new use is allowed.
- (c) The "Subject To" column identifies any specific provisions of LC 16.212 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.212(15).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4). "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.	Farm, Forest, and Natural Resource Uses					
1.1.	Farm use	A	P	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	A	P	
1.3.	Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract	A	P	A	P	
1.4.	Nonresidential buildings customarily provided in conjunction with farm use	A	P	A	P	
1.5.	Creation of, restoration of, or enhancement of wetlands	A	P	A	P	

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products as defined in ORS 603.038 within a calendar year	A	I	A	I	(4)(a)
1.7.	A facility for the primary processing of forest products	A	II	A	II	(4)(b), (5)
1.8.	The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species	C	II	C	II	(4)(c), (5)
1.9.	Marijuana production	A	I	A	I	LC 16.420
1.10.	Marijuana wholesale distribution	A	I	A	I	LC 16.420
1.11.	Marijuana research	A	I	A	I	LC 16.420
1.12.	Marijuana processing	A	II	A	II	(4)(a), LC 16.420
2.	Residential Uses					
2.1.	Primary farm dwelling	A	II	A	II	(4)(z), (7)
2.2.	Woodlot operation dwelling	X	X	C	II	(4)(z), (7)(g), (7)(h), (5)
2.3.	Relative farm help dwelling	A	II	A	II	(4)(z), (8)(b)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
2.4.	Accessory farm dwelling for year-round and seasonal farm workers	A	II	A	II	(4)(z), (8)(a)
2.5.	Non-farm dwelling on High Value Farmland	A	II	X	X	(4)(z), (9)
2.6.	Non-farm dwelling on Non-high Value Farmland	X	X	A	II	(4)(z), (10)
2.7.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	A	I or II	(4)(z), (4)(cc), (6)(a)-(d)
2.8.	Replacement dwelling for historic property	A	II	A	II	(4)(z), (6)(e)
2.9.	Temporary hardship dwelling	C	II	C	II	(4)(z), (5), (8)(c)
2.10.	Residential home as defined in ORS 197.660, in existing dwellings	C	II	C	II	(4)(z), (5)
2.11.	Room and board arrangements for a maximum of five unrelated persons in existing residences	C	II	C	II	(4)(z), (5)
3.	Commercial Uses					
3.1.	Dog training classes or testing trials	A	I	A	I	(4)(d)
3.2.	Farm stand	A	I	A	I	(4)(e)
3.3.	Small Winery or Cider Business	A	I or II	A	I or II	(11)(a)
3.4.	Large Winery	A or C	I or II	A or C	I or II	(11)(b)
3.5.	Agri-tourism and other commercial events or activities that are related to and supportive of agriculture	A	II	A	II	(12)
3.6.	Parking of up to seven log trucks	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
3.7.	Home occupations	C	II	C	II	(4)(f), (5)
3.8.	In-home commercial activity	A	I	A	I	(4)(g)
3.9.	Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Use 3.1	C	II	C	II	(5)
3.10.	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use	C	II	C	II	(5)
3.11.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Use 1.7, but excluding activities in conjunction with a marijuana crop	C	II	C	II	(4)(bb), (5)
4.	Mineral, Aggregate, Oil and Gas Uses					
4.1.	Operations for the exploration for and production of geothermal resources in accordance with 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 well head	A	P	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
4.4.	Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources	C	II	C	II	(4)(i), (5)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	II	C	II	(4)(h), (5)
4.6.	Processing of other mineral resources and other subsurface resources	C	II	C	II	(5)
5.	Transportation Uses					
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	A	P	

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	A	P	
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.10.	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	C	II	C	II	(5)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	C	II	(5)
5.12.	Park and ride lots	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.13.	Railroad mainlines and branch lines	C	II	C	II	(5)
5.14.	Pipelines	C	II	C	II	(5)
5.15.	Navigation channels	C	II	C	II	(5)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	C	II	(4)(j), (5)
5.17.	Replacement of an intersection with an interchange	C	II	C	II	(4)(j), (5)
5.18.	Continuous median turn lanes	C	II	C	II	(4)(j), (5)
5.19.	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	C	II	C	II	(4)(j), (5)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	C	II	(4)(j), (5)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	C	II	C	II	(4)(k). (5)
6.	Utility/Solid Waste Disposal Facilities					
6.1.	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505	A	P	A	P	

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.2.	Land application of reclaimed water, agricultural or industrial process water or bio solids, or the onsite treatment of septage prior to land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with use allowed by LC 16.212	A	II	A	II	(4)(l)
6.3.	Utility facility service lines	A	I	A	I	(4)(m)
6.4.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	II	A	II	(4)(n)
6.5.	Transmission towers over 200 feet in height	C	II	C	II	(5)
6.6.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	C	II	(13)(a), (5)
6.7.	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(b), (5)
6.8.	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(c), (5)
6.9.	A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation not on high value farmland	X*	X*	C	II	(5); or *(4)(aa)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.10.	Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060	X*	X*	C	II	(4)(o), (5); or *(4)(o)(ii), (4)(aa)
6.11.	Change out to an existing telecommunication tower	P	I	P	I	(16)
6.12.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	P	I	P	I	FCC 14-153
6.13.	Collocation to an existing telecommunication tower	A	II	A	II	(16)
6.14.	New telecommunication tower or replacement tower not over 200 feet in height	C	III	C	III	(4)(n)(i), (5), (16)
7.	Parks/Public/Quasi-public Uses					
7.1.	Firearms training facility in existence on September 9, 1995	A	II	A	II	(4)(p), (4)(y)
7.2.	Fire service facilities providing rural fire protection services	A	P	A	P	
7.3.	Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306	A	P	A	P	
7.4.	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary	A	I	A	I	(4)(q)
7.5.	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.6.	Living history museum	C	II	C	II	(4)(r), (4)(y), (5)
7.7.	Armed Forces Reserve Center	A	II	A	II	(4)(s), (4)(y)
7.8.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	C	II	C	II	(4)(y), (5)
7.9.	Public parks, public playgrounds, and public campgrounds	C	II	C	II	(4)(t), (4)(y), (5)
7.10.	Operations for the extraction and bottling of water	C	II	C	II	(5)
7.11.	Churches and cemeteries in conjunction with ORS 215.441	X*	X*	A	II	(4)(y); or *(4)(y), (4)(aa)
7.12.	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school	X*	X*	C	II	(4)(u), (4)(y), (5); or *(4)(y), (4)(aa) or *(4)(u), (4)(y), (5)
7.13.	Private parks, private playgrounds, and private campgrounds	X*	X*	C	II	(4)(v), (4)(y), (5); or *(4)(y), (4)(aa)

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.14.	Private Hunting and Fishing Preserves	X*	X*	C	II	(4)(v), (4)(y), (5); or *(4)(y), (4)(aa)
7.15.	Golf courses not on high-value farmland as defined in LC 16.212(2)(d) and ORS 195.300	X*	X*	C	II	(4)(w), (4)(y), (5);or *(4)(y), (4)(aa)
8.	Outdoor Gatherings					
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	C	III (LCPC)	(4)(x)
9.	Accessory Uses					
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.212	A	P or II	A	P or II	(4)(cc)

(4) Use Standards

- (a) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:
 - (i) The farm on which the farm processing facility is located must provide at least one-quarter of the farm crops processed at the facility. This provision does not apply to a poultry establishment.
 - (ii) If a building is established or used for the farm processing facility or poultry establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A farm processing facility or poultry establishment must comply with all applicable siting standards, but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A division of a lot or parcel or a property line adjustment that separates a farm processing facility or poultry establishment from the farm operation on which it is located is prohibited.
- (b) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
- (c) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture. Referral notice pursuant to LC Chapter 14 must be provided at least 20 calendar days prior to a decision or initial public hearing on the application.
- (d) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:

- (i) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - (ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- (e) A farm stand may be approved 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 percent of the total annual sales of the farm stand; 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 and livestock and does not include structures for banquets, public gatherings or public entertainment.
 - (iii) As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
 - (iv) As used in this Section, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
 - (v) As used in this Section, "local agricultural area" includes Oregon.
 - (vi) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
 - (vii) Farm Stand Development Standards
 - (aa) Adequate off-street parking will be provided pursuant to provisions of LC 16.250.
 - (bb) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

- (cc) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
- (dd) No farm stand building or parking is permitted within the right-of-way.
- (ee) Approval is required from the Road Authority regarding adequate egress and access. All egress and access points shall be clearly marked.
- (ff) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within "vision clearance areas" at street intersections.
 - (A) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.
 - (B) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - (C) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
- (gg) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
- (hh) Signs are permitted consistent with LC 16.212(15)(b)(iii).
- (viii) Permit approval is subject to compliance with Lane County Environmental Health or Department of Agriculture requirements and with the development standards of this zone.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;

- (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.212;
 - (v) Comply with sanitation and building requirements prior to start of Home Occupation; and
 - (vi) Not to be used as a justification for a zone change.
- (g) An in-home commercial activity must comply with the following requirements:
- (i) Meets the criteria under (4)(f)(i), (ii), (iii), (v), and (vi);
 - (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;
 - (iii) Is conducted within a dwelling;
 - (iv) Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage;
 - (v) Does not serve clients or customers on-site;
 - (vi) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and
 - (vii) Does not include the outside storage of materials, equipment or products.
- (h) New facilities 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.
- (i) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
- (i) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.
- (j) Transportation facilities and uses shall comply with the following:

- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (k) 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.
- (l) Land application of reclaimed water, agricultural process or industrial process water or bio solids, or the onsite treatment of septage prior to the land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this paragraph, onsite treatment of septage prior to the land application of bio solids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of bio solids is authorized under the license, permit or other approval.
- (m) Utility facility service lines 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.
- (n) A utility facility that is necessary for public service.
- (i) A utility facility is necessary for public service if the facility must be sited in the Exclusive Farm Use zone in order to provide the service.
 - (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm Use zone due to one or more of the following factors:
 - (A) Technical and engineering feasibility;
 - (B) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned Exclusive Farm Use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (C) Lack of available urban and nonresource lands;
 - (D) Availability of existing rights of way;
 - (E) Public health and safety; and
 - (F) Other requirements of state and federal agencies.
 - (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in 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.

- (cc) The owner of a utility facility approved under Section (4)(n)(i) 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 this Subsection 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.
- (dd) The County 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under Table 16.212-1 uses 7.13 or 7.14, or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (5) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request, subject to a Type II review process, shall have no effect on the original approval.
- (ff) In addition to the provisions of Subsection (4)(n)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.
- (gg) Notwithstanding Subsection (4)(n)(i)(aa) through (dd) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (hh) The provisions of Subsection (4)(n)(i)(aa) through (dd) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(ii) In addition to the requirements in LC 16.212(4)(n)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(c), to be located on high value farmland shall comply with the requirements of (4)(n)(iii) below.

(ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Section (4)(n)(ii)(aa) or Section (4)(n)(ii)(bb).

(aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (4)(n)(ii)(cc) and (dd), two or more of the following criteria:

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

- (D) Public health and safety; or
 - (E) Other requirements of state or federal agencies.
- (cc) As pertains to Section (4)(n)(ii)(bb), the applicant shall demonstrate how the proposal will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
- (dd) The County may consider costs associated with any of the factors listed in Section (4)(n)(ii)(bb), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- (ee) In addition to the requirements in LC 16.212(4)(n)(i)(aa) or (bb) above, a utility facility that is an associated transmission line, as defined by ORS 215.274, to be located on high value farmland shall comply with the requirements of section (4)(n)(iii) below.
- (iii) The utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.
- (o) Composting operations and facilities:
- (i) Composting operations and facilities allowed on land not defined as high-value farmland must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050, 340-096-0060, and ORS 215.401. Buildings and facilities used in conjunction with the composting operation must 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. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection (4)(aa).

- (aa) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:
 - (A) Meets the requirements of OAR 340-096-0150;
 - (B) Identifies the distance of the proposed operation to the nearest residential zone;
 - (C) Includes a complaint response protocol;
 - (D) Is submitted to the DEQ with the required permit application; and
 - (E) May be subject to annual review by the county to determine if any revisions are necessary.
- (bb) Compost operations subject to Section (4)(o)(i)(aa) include:
 - (A) A new disposal site for composting that sells, or offers for sale, resulting product; or
 - (B) An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - (C) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 - (D) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- (ii) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.
- (p) A firearms training facility in existence on September 9, 1995 shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.

- (i) For the purpose of this Section (p), a 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;
- (q) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- (r) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local 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. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65. A "living history museum" is defined as a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (s) Armed forces reserve center that complies with these requirements:
 - (i) The center is within one-half mile of a community college; and
 - (ii) An "armed forces reserve center" includes an armory or National Guard support facility.
- (t) Public parks include:

- (i) Only uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable; and
 - (ii) May be established consistently with ORS 195.120
- (u) Schools are subject to the following:
 - (i) Schools as formerly allowed pursuant to ORS 215.213 that were established on or before January 1, 2009 may be expanded if the expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
 - (ii) Are used primarily for residents of the rural area in which the school is located.
- (v) Private Campgrounds are subject to the following:
 - (i) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.
 - (ii) A campground 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 or other natural features between campsites.
 - (iii) Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - (iv) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - (v) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (vi).
 - (vi) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

- (w) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
- (i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
 - (ii) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - (iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
 - (iv) An existing golf course may be expanded consistent with the requirements of Section (5), but shall not be expanded to contain more than 36 total holes.
- (x) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
- (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
 - (ii) The proposed gathering is compatible with existing land uses;
 - (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (y) Three-mile setback. For uses subject to this Subsection:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.
 - (iii) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Chapter.
- (z) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (aa) Expansion standards. Existing facilities wholly within the Exclusive Farm Use Zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.
- (bb) Commercial activities in conjunction with farm use may be approved when the commercial activity:
 - (i) Is either exclusively or primarily a customer or supplier of farm uses.
 - (ii) Is limited to providing products and services essential to the practice of agriculture directly to surrounding agricultural businesses that are sufficiently important to justify the resulting loss of agricultural land.
 - (iii) Enhances the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.

- (cc) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.212(15)(a). For the purpose of LC 16.212(4)(cc), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(5) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.212-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(6) Alteration, Restoration or Replacement of a Lawfully-Established Dwelling

- (a) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the approval authority finds to its satisfaction, based on substantial evidence that:
 - (i) The dwelling to be altered, restored or replaced has, or formerly had:
 - (aa) Intact exterior walls and roof structure;
 - (bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Interior wiring for interior lights; and
 - (dd) A heating system.
 - (ii) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for:
 - (aa) The previous five property tax years; or
 - (bb) If the dwelling was constructed within the last five years, the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.
 - (cc) Notwithstanding (ii)(aa) and (bb) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

- (A) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - (B) The applicant establishes to the satisfaction of the approval authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
- (b) For replacement of a lawfully established dwelling under this section:
- (i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - (aa) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - (bb) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - (cc) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
 - (ii) The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished, or converted.
 - (iii) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the Planning Director, or the Director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.213 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

- (c) A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - (i) The siting standards of Subsection (6)(c)(ii) apply when a dwelling qualifies for replacement because the dwelling:
 - (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection(6)(a)(iii).
 - (ii) The replacement dwelling must be sited on the same lot or parcel:
 - (aa) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - (bb) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 - (iii) Replacement dwellings that currently have the features described in Subsection (6)(a)(i) and that have been on the tax roll as described in Subsection (6)(a)(ii)(cc) may be sited on any part of the same lot or parcel.
- (d) A replacement dwelling permit that is issued under Use 2.7:
 - (i) Is a land use decision and subject to review using Type II procedure according to LC Chapter 14 where the dwelling to be replaced:
 - (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection (6)(a)(ii)(cc);
 - (ii) Is not subject to the time to act limits of LC 14.090 and does not expire; and
- (e) A replacement dwelling for a historic dwelling permit reviewed under Use 2.8 is subject to the following requirements:
 - (i) The replacement dwelling must be in conjunction with a farm use.

- (ii) The existing dwelling is listed on the county and national inventory as historic property as defined in ORS 358.480.

(7) Dwellings Customarily Provided in Conjunction with Farm Use

- (a) Large Tract Standards. On land not identified as high-value farmland as defined in LC 16.212(2), a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The parcel on which the dwelling will be located is at least 160 acres.
 - (ii) The subject tract is currently employed for farm use.
 - (iii) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - (iv) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
- (b) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farms products and:
 - (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(b)(i); and
 - (iv) In determining the gross income required by Section (7)(b)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

- (bb) Only gross income from land owned, not leased or rented, shall be counted; and
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - (v) The lot or parcel is not smaller than the minimum lot size of the zone.
 - (c) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 - (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(c)(i);
 - (iv) In determining the gross income required by Section (7)(c)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (bb) Only gross income from land owned, not leased or rented, shall be counted; and
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - (v) The lot or parcel is not smaller than the minimum lot size of the zone.
 - (d) Additional Farm Income Standards.
 - (i) For the purpose of Sections (7)(b) or (7)(c), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

- (ii) Prior to the final approval for a dwelling authorized by Sections (7)(b) and (7)(c) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the County clerk the covenants, conditions, and restrictions form provided by the County (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - (aa) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - (bb) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- (iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the County or counties where the property subject to the covenants, conditions and restrictions is located.
- (e) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Sections (7)(b) or (7)(c) above, subject to the following requirements:
 - (i) The subject tract will be employed as a commercial dairy as defined in Subsection (vii);
 - (ii) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
 - (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - (iv) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
 - (v) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 - (vi) The Oregon Department of Agriculture has approved the following:

- (aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (bb) A Producer License for the sale of dairy products under ORS 621.072.
- (vii) As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (7)(b) or (7)(c), whichever is applicable, from the sale of fluid milk.
- (f) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (7)(b) or (7)(c), whichever is applicable;
 - (ii) The subject lot or parcel on which the dwelling will be located is:
 - (aa) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (7)(b) or (7)(c), whichever is applicable; and
 - (bb) The lot or parcel is not smaller than the minimum lot size of the zone.
 - (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - (iv) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (7)(f)(i); and
 - (v) In determining the gross income required by Subsection (7)(f)(i) and Subsection (7)(f)(ii):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (bb) Only gross income from land owned, not leased or rented, shall be counted.

- (g) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling under Section (7).
- (h) Woodlot Operation Dwelling
 - (i) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:
 - (aa) If the farm operation or woodlot:
 - (A) Consists of 20 or more acres; and
 - (B) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;
 - (bb) The dwelling is located on land not identified as high-value farmland.
 - (ii) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than required under (i) above is allowed subject to compliance with the following requirements:
 - (aa) If the farm operation or woodlot:
 - (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or
 - (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income;
 - (bb) The dwelling is located on land not identified as high-value farmland.

(8) Accessory Dwellings

- (a) Accessory farm dwelling for year-round and seasonal farm workers.

- (i) Accessory dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
- (aa) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
 - (bb) The accessory farm dwelling will be located:
 - (A) On the same lot or parcel as the primary farm dwelling;
 - (B) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - (C) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;
 - (D) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The County shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278, meaning housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing; or

- (E) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in Lane Code 16.212(7)(b) or (c), whichever is applicable; and
- (cc) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.
- (ii) In addition to the requirements in Subsection (i), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 - (aa) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - (A) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (B) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - (bb) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

- (cc) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or woodlot that meets the standards of LC 16.212(7)(h); or
- (dd) It is located on a commercial dairy farm as defined in Section (7)(e)(vii); and
 - (A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
 - (B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (C) A Producer License for the sale of dairy products under ORS 621.072.
- (iii) No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this Chapter, a parcel may be created consistent with the minimum parcel size requirements in Subsection (14)(a).
- (iv) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to uses 2.5 or 2.6 in Table 16.212-1 of this Chapter.
- (v) For purposes of this Subsection, "accessory dwelling" includes all types of residential structures allowed by the applicable state building code.
- (vi) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria of an accessory farm dwelling.
- (b) To qualify for a relative farm help dwelling:
 - (i) A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

- (ii) A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.
- (c) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling, or one recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle must be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
 - (ii) A temporary residence approved under this Section is not eligible for replacement under Section (6). Department of Environmental Quality review and removal requirements also apply.
 - (iii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

(9) Dwellings Not in Conjunction with Farm Use on High Value Farmland

Non-farm dwelling. A non-farm dwelling on High Value Farmland is subject to the following requirements:

- (a) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

- (ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;
- (iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.090;
- (iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:
 - (aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;
 - (bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under Use 2.5 or 2.6 in Table 16.212-1 of this Chapter, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under Sections (14)(e). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings ;

- (cc) Determine whether the approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;
 - (v) The dwelling complies with such other conditions as the approval authority considers necessary; and
 - (vi) Land use approval of a permit described in Section (9)(a) shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval may be made and approved pursuant to LC 14.700(2).
- (b) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The following are satisfied:
 - (aa) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, in the case of an existing lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

- (bb) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
- (cc) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;
- (iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in subsections (9)(a)(iv)(aa) through (cc);
- (iv) The dwelling complies with such other conditions as the approval authority considers necessary; and
- (v) Land use approval of a permit described in (9)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval may be made and approved pursuant to LC 14.700(2).

(10) Dwellings Not in Conjunction with Farm Use on Non-High Value Farmland.

Non-farm dwelling. A non-farm dwelling on Non-high Value Farmland is subject to the following requirements:

- (a) A dwelling not provided in conjunction with farm use may be established on a lot or parcel, subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983; and
 - (iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.
- (b) The dwelling shall comply with such other conditions as the approval authority considers necessary. A dwelling not provided in conjunction with a farm use, on a lot or parcel that is not larger than three acres is subject to the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;
 - (iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.090. For the purpose of this Section, only one lot or parcel exists if:
 - (aa) The lot or parcel is contiguous to one or more lots or parcels described in this Section.

- (A) "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road."
- (bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common; and
- (iv) Notice of application shall occur in compliance with LC Chapter 14.
- (c) Land use approval of a permit described in Section (10)(a) or (10)(b) shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in this Section may be made and approved pursuant to LC 14.700(2).
- (d) No final approval of a nonfarm use under this section will be given unless any additional taxes imposed upon the change in use have been paid.
- (e) The dwelling must comply with other conditions considered necessary by the approval authority.

(11) Wineries and Cider Businesses

- (a) Small Wineries and Cider Businesses. Small wineries and cider business and their accessory uses are subject to the Type I procedure unless otherwise specified in this section. Small winery and cider businesses are separate uses to which distinct criteria and permitted uses apply and must not be used interchangeably.
 - (i) A small winery or cider business may be established as a permitted use if the proposed winery or cider business will produce wine or cider, respectively, on-site with a maximum annual production of:
 - (aa) Less than 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery or cider business:
 - (A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres;
 - (B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 15 acres;

- (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 15 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business; or
 - (D) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), or (C); or
 - (bb) At least 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery:
 - (A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 40 acres;
 - (B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 40 acres;
 - (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 40 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business;
 - (D) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards for a winery or orchards for a cider business in Oregon that are located within 15 miles of the winery or cider business site; or
 - (E) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), (C) or (D).
- (ii) In addition to producing and distributing wine by a winery or cider by a cider business, a small winery or cider business established under this Section may:
 - (aa) Market and sell wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, including:

- (A) Wine or cider tastings in a tasting room or other location on the premises occupied by the winery for wine tastings or cider business for cider tastings;
 - (B) Wine for winery or cider for cider business club activities;
 - (C) Winemaker for winery or cidemaker for cider business luncheons and dinners;
 - (D) Winery and vineyard tours or cider business and orchard tours;
 - (E) Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine or cider industry members;
 - (F) Winery or cider business staff activities;
 - (G) Open house promotions of wine produced in conjunction with the winery or cider produced in conjunction with the cider business; and
 - (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of wine for a winery or cider for a cider business, including food and beverages:
- (A) Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(a)(ii)(bb) or (a)(ii)(dd), or (a)(v).
- (dd) Host charitable activities for which the winery or cider business does not charge a facility rental fee.

- (iii) A winery or cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection (11)(a)(ii)(cc). Food and beverage services authorized under Subsection (11)(a)(ii)(cc) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- (iv) The gross income of the winery or cider business from the sale of incidental items or services provided pursuant to Subsection (11)(a)(ii)(cc) to (dd) and (11)(a)(v) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery or cider produced in conjunction with the cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the County, the winery or cider business shall submit a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this Subsection for the previous tax year.
- (v) A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery, pursuant to Subsection (aa) or (bb) below:
 - (aa) The events on days one (1) through six (6) of the 18-day limit per calendar year must be authorized by the approval authority through the issuance of a renewable multi-year Winery or Cider Business License that:
 - (A) Is reviewed through a Type I procedure to determine necessary conditions pursuant to Section (11)(a)(vi) below;
 - (B) Has a term of five years;
 - (C) If the County issues a license under this subsection, the County must review the license at least once every five years and, if appropriate, renew the license; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.
 - (E) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

- (bb) Events on days seven (7) through 18 of the 18-day limit per calendar year must be authorized by the County through the issuance of a renewable multi-year permit that:
 - (A) Is subject to a Type II procedure and must be reviewed to determine necessary conditions pursuant to Section (11)(a)(vi);
 - (B) Has a term of five years;
 - (C) If the Director issues a permit under this subsection, the Director must review the permit at least once every five years and, if appropriate, may renew the permit; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.
- (vi) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery or cider business are subordinate to the production and sale of wine at a winery or cider at a cider business and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions on a permit related to:
 - (aa) The number of event attendees;
 - (bb) The hours of event operation;
 - (cc) Access and parking;
 - (dd) Traffic management;
 - (ee) Noise management; and
 - (ff) Sanitation and solid waste;
- (vii) A winery or cider business operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established or cider business is situated.
- (viii) Prior to the issuance of a permit to establish a winery or cider business under Section (11)(a), the applicant shall show that vineyards for a winery or orchard for a cider business described in Section (11)(a) have been planted or that the contract has been executed, as applicable.
- (ix) For the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands, the winery or cider business must:

- (aa) Establish a setback of at least 100 feet from all property lines for the winery or cider business and all public gathering places, unless the Director grants a variance allowing a setback of less than 100 feet; and
 - (bb) Provide direct road access and internal circulation for the winery or cider business and other on-site public gathering places
- (b) Large Wineries. Large wineries and their accessory uses are subject to the Type I procedure unless otherwise specified in this section.
 - (i) A large winery may be established if:
 - (aa) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (bb) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection (11)(b)(i)(aa); and
 - (cc) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
 - (ii) In addition to producing and distributing wine, a winery described in Subsection (11)(b)(i) may:
 - (aa) Market and sell wine produced in conjunction with the winery;
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (B) Wine club activities;
 - (C) Winemaker luncheons and dinners;
 - (D) Winery and vineyard tours;
 - (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

- (F) Winery staff activities;
 - (G) Open house promotions of wine produced in conjunction with the winery; and
 - (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
- (A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(b)(ii)(bb), (dd), or (ee);
- (dd) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
- (A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (B) Are incidental to the retail sale of wine on-site; and
 - (C) Are limited to 25 days or fewer in a calendar year; and
- (ee) Host charitable activities for which the winery does not charge a facility rental fee.
- (iii) Income requirements:
- (aa) The gross income of the winery from the sale of incidental items pursuant to Subsection (11)(b)(ii)(cc) and services provided pursuant to Subsection (11)(b)(ii)(dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

- (bb) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant that certifies compliance with Subsection (aa) for the previous tax year.
- (iv) A winery operating under Subsection (11)(b):
 - (aa) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
 - (bb) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.
- (v) A winery shall be required to obtain a Type II permit when:
 - (aa) The winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection (11)(b)(ii)(dd) occurring on more than 25 days in a calendar year.
 - (bb) In addition to any other requirements, a local government may approve a permit application under this Subsection if the approval authority finds that the authorized activity:
 - (A) Complies with the standards described in Sections (5)(a) and (5)(b);
 - (B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 - (C) Does not materially alter the stability of the land use pattern in the area.
 - (cc) If the local government issues a permit under this Section for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
- (vi) A winery operating under Section (11)(b) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the winery received a permit in similar circumstances before August 2, 2011.
- (vii) A person may not have a substantial ownership interest in more than one winery operating a restaurant authorized in Section (11)(b).

- (viii) Prior to the issuance of a permit to establish a winery under Section (11)(b), the applicant shall show that vineyards described in Section (11)(b)(i) have been planted.
- (ix) A winery operating under Subsection (b) shall provide for:
 - (aa) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - (bb) Direct road access and internal circulation.
- (c) As used in Section (11):
 - (i) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - (ii) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(12) Agri-tourism and Other Commercial Events

- (a) Six or Fewer Events. Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved. The approval is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The six or fewer agri-tourism or other commercial events or activities must meet local standards and:
 - (i) Be incidental and subordinate to existing farm use on the tract;
 - (ii) Not, individually, exceed a duration of 72 consecutive hours; and
 - (iii) Comply with Section (12)(c) below.
- (b) Seven to 18 Events. Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with (12)(a) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The seven to 18 agri-tourism or other commercial events or activities must comply with local standards and:
 - (i) Be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

- (ii) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - (iii) Not exceed 18 events or activities in a calendar year; and
 - (iv) Comply with Section (12)(c) below.
- (c) All agri-tourism or other commercial events or activities described in (12)(a) and (12)(b) above must:
- (i) Not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 - (ii) Comply with Section (5)(a) and (b) Conditional Use Criteria;
 - (iii) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and
 - (iv) Must comply with conditions established for:
 - (aa) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - (bb) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - (cc) The location of access and egress and parking facilities to be used in conjunction with the agri-tourism or other commercial events or activities;
 - (dd) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - (ee) Sanitation and solid waste.

- (v) The approval authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under (12)(a) or (12)(b). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The County may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under (12)(a) or (12)(b), including, but not limited to, grading, filling or paving.
 - (vi) Agri-tourism or other commercial events or activities authorized under this section shall not be allowed at a winery which conducts agri-tourism or other commercial events or activities authorized under Sections (11)(a)(v)-(vi) or (11)(b)(v) or (11)(b)(ii)(dd).
 - (vii) Event or activities authorized under this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(a), do not include agri-tourism or other commercial events and activities.
- (d) Expiration of Agri-Tourism Approvals
- (i) Approvals issued pursuant to (12)(a) shall be valid for two years from the date of the approval, and may be renewed for an additional two years subject to:
 - (aa) An application for renewal; and
 - (bb) Demonstration of compliance with the provisions of Section (12)(a) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.
 - (ii) Approvals issued pursuant to (12)(b) shall be valid for four years from the date of the approval. If continued, the permit holder must submit an application for renewal at four year intervals. Upon receipt of a request for renewal, the Director must:
 - (aa) Issue public notice and an opportunity for public comment as part of the review process according to LC Chapter 14; and
 - (bb) Limit review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Section (12)(b).

(13) Commercial Facilities for Generating Power

- (a) Commercial Power Generating Facility.
- (i) Permanent features of a power generation facility shall not preclude more than:
 - (aa) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - (bb) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
 - (ii) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.
 - (iii) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504(b).
- (b) Wind Power Generation Facility.
- (i) For purposes of this Chapter, a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
 - (aa) Temporary workforce housing described in Section (13)(a)(ii) must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete.

- (bb) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.
- (ii) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the County must find that all of the following are satisfied:
 - (aa) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - (A) Technical and engineering feasibility;
 - (B) Availability of existing rights of way; and
 - (C) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (bb);
 - (bb) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
 - (cc) Costs associated with any of the factors listed in Subsection (aa) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

- (dd) The owner of a wind power generation facility approved under Subsection (ii) 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 this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 - (ee) The criteria of Subsection (iii) are satisfied.
- (iii) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
 - (aa) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 - (bb) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

- (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
 - (iv) For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection (13)(b)(iii)(dd) are satisfied.
 - (v) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (13)(b)(iii) and (iv), the approval criteria of Subsection (13)(b)(iii) shall apply to the entire project.
- (c) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
 - (i) “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
 - (ii) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of the land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
 - (iii) “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

- (iv) “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
- (v) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1,320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
- (vi) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

- (aa) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
- (bb) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and County approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
- (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and County approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;
- (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and County approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
- (ee) The project is not located on high-value farmland soils unless it can be demonstrated that:
 - (A) Non high-value farmland soils are not available on the subject tract;

- (B) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and
- (ff) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- (A) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
 - (B) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the Director or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- (vii) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:
- (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - (A) Nonarable soils are not available on the subject tract;

- (B) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
- (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
- (cc) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- (A) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
 - (B) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
- (dd) The requirements of Subsections (13)(c)(vi)(aa), (bb), (cc), and (dd) are satisfied.

- (viii) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:
- (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - (A) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (B) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;
 - (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
 - (cc) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (dd) The requirements of Subsection (13)(c)(vi)(dd) are satisfied;
 - (ee) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the County's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the County, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing Chapters and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the County is responsible for determining appropriate mitigation measures; and

- (ff) If a proposed photovoltaic solar power generation facility is located on lands where, after the site specific consultation with an Oregon Department of Fish and Wildlife biologist, if it determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or habitat or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or to wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the County is responsible for determining appropriate mitigation, if any, required for the facility.
- (gg) The provisions of Subsection (13)(c)(viii)(ff) are repealed on January 1, 2022.
- (ix) The project owner shall sign and record at Lane County Deeds & Records a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
- (x) Nothing in this Section shall prevent the County from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

(14) Land Divisions

- (a) Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with Section (14).
- (b) The minimum area shall be:
 - (i) E-25: 25 acres
 - (ii) E-30: 30 acres
 - (iii) E-40: 40 acres
 - (iv) E-60: 60 acres
- (c) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:
 - (i) Land preparation.
 - (ii) Ripping and plowing.
 - (iii) Fencing.
 - (iv) Surveying.
 - (v) Crop cultivation.
 - (vi) Irrigation.
 - (vii) Herbicide; fungicide and/or fertilizer application.
 - (viii) Machinery.
 - (ix) Accessory farm buildings.
 - (x) Breeding and livestock raising concerns.
 - (xi) Labor.
 - (xii) Projected expenses associated with the above.
 - (xiii) Date by which the farm management plan would be substantially implemented.

- (d) A division of land to accommodate a Conditional Use as permitted by in Table 16.212-1 of this Chapter, except a residential use, smaller than the minimum parcel size provided in Subsection (a) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by (14)(b) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:
 - (i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;
 - (ii) The non-farm dwellings shall comply with the requirements in (9) or (10)(a) above;
 - (iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.090;
 - (iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in (14)(b) above;
 - (v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in (14)(b) above;
 - (vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;
 - (vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and
 - (viii) The dwelling complies with such other conditions as the approval authority considers necessary.

- (f) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:
- (i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;
 - (ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.090;
 - (iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by (14)(b) above but equal to or larger than 40 acres;
 - (iv) The parcels for the non-farm dwellings are:
 - (aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and
 - (bb) Composed of at least 90 percent Class VI through VIII soils;
 - (v) The parcels for the non-farm dwellings do not have established water rights for irrigation;
 - (vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;
 - (vii) The non-farm dwellings shall comply with LC 16.212(9);
 - (viii) The non-farm dwellings shall comply with LC 16.212(5)(a) and (b);
 - (ix) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and
 - (x) The dwelling complies with other conditions considered necessary by the approval authority;

- (g) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:
- (i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with the farm use;
 - (ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:
 - (aa) Is equal to or larger than the minimum size required by (14)(a) above;
 - (bb) Is not stocked to the requirements under ORS 527.610 through 527.770;
 - (cc) Is composed of at least 95 percent Class VI through VIII soils;
 - (dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and
 - (ee) The new lot or parcel will not be smaller than 20 acres;
 - (iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in Sections (9) and (10); and
 - (iv) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236.
- (h) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- (i) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- (j) This Section does not allow a division or property line adjustment of a lot or parcel that separates uses 2.3, 2.9, or 3.7 in Table 16.212-1 of this Chapter.

- (k) This Section does not allow a division of a lot or parcel that separates a processing facility from the farm operation specified as use 1.6 in Table 16.212-1 of this Chapter.
- (l) A division of land may be permitted to create a parcel with an existing dwelling to be used:
 - (i) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section (9) or (10)(a); and
 - (ii) For historic property that meets the requirements of use 2.8 in Table 16.212-1 of this Chapter.
- (m) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b),
 - (i) A division of land may be approved provided:
 - (aa) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - (bb) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - (cc) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
 - (ii) A parcel created pursuant to this Subsection that does not contain a dwelling:
 - (aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (bb) May not be considered in approving or denying an application for siting any other dwelling;
 - (cc) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

- (dd) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- (n) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b), a division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:
 - (i) The church has been approved as use 7.11 of Table 16.212-1;
 - (ii) The newly created lot or parcel is not larger than five acres;
 - (iii) The new parcel for the church shall meet the minimum size in (14)(a) either by itself or after it is consolidated with another lot or parcel.
- (o) Notwithstanding the minimum lot or parcel size described Subsection (14)(a), a division for a fire service facility provided in use 7.2 of Table 16.212-1, if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (p) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:
 - (i) The portion of the parcel within the UGB has been redesignated for urban uses under the applicable acknowledged comprehensive plan; and
 - (ii) The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to (14)(b) above; and
 - (iii) The parcel must be divided along the UGB boundary line; and
 - (iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.
 - (v) If the parcel outside of the UGB does not contain a dwelling, the parcel:
 - (aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;
 - (bb) May not be considered in approving or denying an application for any other dwelling; and

- (cc) May not be considered in approving a redesignation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.
- (vi) A landowner allowed a land division under (14)(p) shall sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.397.
- (q) Divisions under (14)(b) and (14)(c) shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of (6), (7) or (8) above for a dwelling are met.
- (r) The governing body may not approve a division of land for nonfarm use under Subsection (d), (e), (f), (g), (l), (m), (n), or (o) unless any additional tax imposed for the change in use has been paid.
- (s) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- (t) The Director or its designate may not approve a land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to subsection (14)(g).
- (u) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or bio solids as provided Section 6.2 of Table 16.212-1.

(15) Development Standards

All uses or activities allowed by LC 16.212 must comply with the requirements in Section (15)(b). Uses or activities allowed by LC 16.212, except farm use, must comply with the requirements in LC 16.212(15)(a) and (b).

- (a) For approval of a use or activity allowed by LC 16.212 that requires a Type II or Type III review, the Approval Authority must balance the setback requirements of LC 16.212(15)(b) with the applicable approval standards of LC 16.212(3) and (6) through (14) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

- (i) Dwellings and development accessory to residential uses to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" must be sited as follows:
 - (aa) Near dwellings on other tracts.
 - (bb) With minimal intrusion into forest areas undeveloped by non-forest uses.
 - (cc) Where possible, when considering LC 16.212(15)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.
- (ii) Dwellings and development accessory to residential uses to be sited upon all of tracts must be sited as follows:
 - (aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.
 - (bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.
- (b) All uses, activities, and structures allowed by LC 16.212 must comply with:
 - (i) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
 - (aa) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
 - (bb) 10 feet from all other property lines except as provided below.
 - (ii) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a Riparian Modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
 - (iii) Signs.

- (aa) Signs cannot extend over a public right-of-way or project beyond the property line.
- (bb) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.
- (cc) Signs are limited to 200 square feet in area.

(16) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of Section (15), LC 16.264, and with applicable requirements elsewhere in LC Chapter 16.

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ARE RESERVED FOR FUTURE EXPANSION

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

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16.214 Marginal Lands Zone (ML-RCP)

(1) Purpose

The purpose of the Marginal Lands Zone (ML) is to provide an alternative to more restrictive farm and forest zoning; provide opportunities for persons to live in a rural environment and to conduct farm or forest operations. The ML Zone is applied to specific properties consistent with the requirements of ORS 197.247 (1991 Edition), ORS 215.317, ORS 215.327 (2017 Edition), and the policies of the Lane County Rural Comprehensive Plan.

(2) Use Table

Table of Permitted Uses

Table 16.214-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the marginal lands districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table 16.214-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in LC 16.214.

As used in Table 16.214-1:

- (a) Uses:

- (i) "A" means the use is outright allowed or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (4).
- (b) Procedures:
- (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this chapter of Lane Code.
 - (ii) "AL" means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The "Subject To" column identifies any specific provisions of LC 16.214 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.214(7)

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Farm, Forest, and Natural Resource Uses			
1.1.	Intensive farm or forest operations, including but not limited to "farm use" as defined in LC 16.090	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	
1.3.	Part-time farms	A	P	
1.4.	Woodlots	A	P	
1.5.	Nonresidential buildings customarily provided in conjunction with farm use	A	I	

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products within a calendar year	C	II	(3)(b), (4)
1.7.	A facility for the primary processing of forest products	C	II	(3)(c), (4)
1.8.	Marijuana production	A	I	LC 16.420
1.9.	Marijuana wholesale distribution	A	I	LC 16.420
1.10.	Marijuana research	A	I	LC 16.420
2.	Residential Uses			
2.1.	Dwelling on a vacant lot or parcel created before July 1, 1983	A	P	(3)(a), (3)(n)
2.2.	Dwelling on a vacant lot or parcel created pursuant to LC 16.214(6)	A	P	(3)(n)
2.3.	Temporary hardship dwelling	A	P	(3)(n), (3)(o)
3.	Commercial Uses			
3.1.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(e)
3.2.	Home occupation	C	II	(3)(d), (4)
3.3.	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use	C	II	(4), LC 16.212(5)
3.4.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use under Use 1.1, but excluding activities in conjunction with a marijuana crop	C	II	(4)

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.5.	Marijuana processing	C	II	LC 16.420, (3)(b), (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Operations for the exploration of geothermal resources as defined by ORS 522.005	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted	C	III	(4)
4.4.	Operations for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources	C	III	(3)(g), (4)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	III	(3)(f), (4)
4.6.	Processing of other mineral resources and other subsurface resources	C	III	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	A	P	
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	A	P	
5.10.	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	C	II	(4)

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.12.	Park and ride lots	C	II	(4)
5.13.	Railroad mainlines and branch lines	C	II	(4)
5.14.	Pipelines	C	II	(4)
5.15.	Navigation channels	C	II	(4)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(h), (4)
5.17.	Replacement of an intersection with an interchange	C	II	(3)(h), (4)
5.18.	Continuous median turn lanes	C	II	(3)(h), (4)
5.19.	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	C	II	(3)(h), (4)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(h), (4)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	A	I	(3)(i)
6.	Utility/Solid Waste Disposal Facilities			

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.1.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	I	(3)(j)
6.2.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	(5), (4)
6.3.	A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation	C	II	(4)
6.4.	Changeout to an existing telecommunication tower	A	I	(8)
6.5.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	FCC 14-153
6.6.	Collocation to an existing telecommunication tower	A	II	(8)
6.7.	New telecommunications tower or replacement tower	C	III	(4), (8)
7.	Parks/Public/Quasi-public Uses			
7.1.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	A	P	
7.2.	Public parks, public playgrounds, and public campgrounds	A	I	
7.3.	Churches	A	P	

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
7.4.	Public or private schools, including all buildings essential to the operation of a school	A	P	
7.5.	Private parks, private playgrounds	A	P	
7.6.	Private campground	C	II	(3)(k), (3)(q), (4)
7.7.	Golf courses	C	II	(3)(l), (3)(q), (4)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735- 760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(m)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.214.	A	P	

(3) Use Standards

- (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.
- (b) A farm_processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:
 - (i) The farm on which the facility or establishment is located must provide at least one-quarter of the farm crops processed at the facility.
 - (ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A county may not approve any division of a lot or parcel or a property line adjustment that separates a processing facility or establishment from the farm operation on which it is located.
- (c) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
- (d) Home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;

- (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the ML Zone;
 - (iv) Not unreasonably interfere with other uses permitted in the zone in which the property is located;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupations; and
 - (vi) Not be used as justification for a zone change.
- (e) An in-home commercial activity must comply with the following requirements:
- (i) Meets the criteria under (3)(d)(i), (ii), (iii), (v), and (vi);
 - (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;
 - (iii) Is conducted within a dwelling;
 - (iv) Does not occupy more than 25% of the combined floor area of the dwelling, including attached garage;
 - (v) Does not serve clients or customers on-site;
 - (vi) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and
 - (vii) Does not include the outside storage of materials, equipment; or products.
- (f) New facilities 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.
- (g) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
- (i) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.

- (h) Transportation facilities and uses shall comply with the following:
- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (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.
- (j) A utility facility that is necessary for public service.
- (i) A utility facility is necessary for public service if the facility must be sited in the marginal lands zone in order to provide the service.
 - (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an marginal lands zone due to one or more of the following factors:
 - (i) Technical and engineering feasibility;
 - (ii) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for marginal land in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (iii) Lack of available urban and nonresource lands;

- (iv) Availability of existing rights of way;
 - (v) Public health and safety; and
 - (vi) Other requirements of state and federal agencies.
- (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in 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.
- (cc) The owner of a utility facility approved under Subsection (i) 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 this Subsection 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.
- (dd) The county 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the ML Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (4) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
- (ff) In addition to the provisions of Subsection (3)(j)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

- (gg) In addition to the requirements in LC 16.214(3)(j)(i)(aa) through (ff) above, a utility facility that is a telecommunication facility shall comply with LC 16.264;
 - (hh) In addition to the requirements in LC 16.214(3)(j)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and
 - (ii) The provisions of Subsection (i) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (aa) or Subsection (bb) of this Subsection.
- (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - (ii) The associated transmission line is co-located with an existing transmission line;
 - (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - (iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
 - (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (3)(j)(ii)(cc) and (dd), two or more of the following criteria:
 - (i) Technical and engineering feasibility;

- (ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - (iv) Public health and safety; or
 - (v) Other requirements of state or federal agencies.
 - (cc) As pertains to Subsection (bb), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
 - (dd) The county may consider costs associated with any of the factors listed in section (3)(j)(ii)(bb) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- (k) Private Campgrounds are subject to the following:
- (i) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground 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 or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - (ii) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (iii).

- (iii) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- (l) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
 - (i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
 - (ii) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - (iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- (m) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
 - (ii) The proposed gathering is compatible with existing land uses;

- (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (n) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (o) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
 - (ii) As used in this Section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
- (p) Three-mile setback. For uses subject to this Section:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

- (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract that is in existence as of June 17, 2010.
- (iii) Existing facilities wholly within the marginal lands zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structure within the marginal lands zone may not be expanded beyond the requirements of (3)(q).

(4) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.214-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and
- (b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may 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 roads; and to any other relevant impact of the use.)
- (c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
- (d) Will not create a hazardous natural condition such as erosion, landside, flooding.

(5) Commercial Facilities for Generating Power

- (a) Permanent features of a power generation facility shall not preclude more than:
 - (i) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - (ii) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

- (b) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- (c) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504.

(6) Land Divisions

Land in a Marginal Land zone may be divided as follows:

- (a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F- 1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197 (1991 Edition).
- (b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197 (1991 Edition).
- (c) A parcel of any size necessary to accommodate any of the nonresidential uses listed below:
 - (i) Use 6.1. Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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.
 - (ii) Use 6.2. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.
 - (iii) Use 6.3. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation not on high value farmland.

- (iv) Use 7.1. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
- (v) Use 7.3. Churches and cemeteries in conjunction with churches.
- (vi) Use 7.4. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school.
- (vii) Use 7.5. Private parks, playgrounds, and campgrounds.

(7) Development Standards

All uses or activities permitted or conditionally permitted in this Chapter shall be subject to the following development standards.

- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
 - (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
 - (ii) 10 feet from all other property lines except as provided below.
- (b) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line.
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.
 - (iii) Signs are limited to 200 square feet in area.
- (d) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16.

**ENFORCEMENT
RURAL COMPREHENSIVE PLAN**

16.263 Failure to Comply.

Failure to comply with any of the requirements of this chapter may be subject to an administrative civil penalty as provided by LC 5.017. Failure to comply with a condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter may also be subject to an administrative civil penalty. Continued failure to comply with this chapter 10 days from the mailing of the notice of the failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered constitutes a separate failure to comply for each day the occurrence continues. The Manager of the Lane County Land Management Division, Department of Public Works, or said Manager's duly authorized representatives, shall have the authority to issue a notice of failure to comply. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93)*

**TELECOMMUNICATION TOWER STANDARDS
RURAL COMPREHENSIVE PLAN**

16.264 Telecommunication Tower Standards.

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

- (a) Recognizes the public need for provision of telecommunication facilities;
- (b) Allows appropriate levels of service to be obtained throughout the County;
- (c) Minimizes the number of transmission towers throughout the County;
- (d) Encourages the collocation of telecommunication facilities; and
- (e) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals.

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

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

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

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

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

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building, not including eligible facilities requests for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station pursuant to Section 6409(a) of the Spectrum Act.

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

Telecommunication Facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, related telecommunication equipment, towers and ancillary facilities. For purposes of this section, amateur radio transmission

facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

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

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

(3) Standards applicable to all telecommunication facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

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

(j) Notice. In lieu of the notice area in LC 14.060(4)(a), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.060(4)(a), as applicable.

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

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with Type III procedures of LC Chapter 14, except that LC 14.060(4)(a) noticing requirements does not apply to applications involving a leased area.. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

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

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

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(c) Required submittals. The application shall contain the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;

(C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.

(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(v) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.

(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).

(viii) Evidence of the notification and the neighborhood meeting.

(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.

(x) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(d) Performance standards. The transmission tower shall comply with the following:

(i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:

(A) Lack of useable and compatible collocation space;

(B) Inability to meet service coverage area and capacity needs; or

(C) Technical reasons such as channel proximity and inter-modulation.

(ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).

(iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.

(iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.

(v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:

(A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;

(B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.

(e) Setbacks and separation requirements.

(i) Setbacks. The tower shall comply with the setback of the base zone.

(ii) Separation. The tower shall be 1200 feet from any dwelling or school, except:

(A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.

(B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.

(f) Expiration and Renewal of the Special Use Permit.

(i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.

(ii) In lieu of LC 14.090(6), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.

(iii) To renew the special use permit, an application shall be submitted in accordance with LC Chapter 14. To be approved, the application shall contain documentation showing:

(A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and

(B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.

(5) Collocation. A new or replacement collocation shall comply with the following:

(a) Review process. Collocation requires submittal of a land use application pursuant to Type II procedures of LC Chapter 14. Director approval is required pursuant to Type II procedures of LC Chapter 4, excluding the notice area at LC 14.060(4)(a) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).

(b) Required submittals. An application for a collocation shall include the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.

(iii) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.

(iv) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.

(v) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(vi) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(viii) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.

(ix) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.

(x) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval.

(xi) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(c) Performance standards. Collocations shall comply with the following:

(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.

(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation.

(6) Spectrum Act Eligible Facilities Requests.

(a) Review Process. An eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station will be processed as a Type I determination pursuant to LC Chapter 14 and LC 14.050(2)(c).

(b) Definitions. Terms in this subsection are defined as provided by 47 C.F.R. 1.40001(b). In the case of conflict between the definitions provided in subsection (2) above and the definitions of 47 C.F.R. 1.40001(b), the definitions of 47 C.F.R. 1.40001(b) prevail.

(c) Standards. Type I eligible facilities requests are those that do not constitute a substantial change in the physical dimensions of an existing tower or base station, where substantial change is defined as any of the following:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (6)(c)(i) through (iv).

(d) If the facilities request for modification of an existing tower or base station will substantially change the physical dimensions of such tower or base station, the application will be subject to subsection (5) of this section, a Type II procedure.

(Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05; 6-10, 9.17.10; 18-02, 8.9.18)

TRANSPORTATION FACILITIES AND USES RURAL COMPREHENSIVE PLAN

16.265 Transportation Facilities and Uses.

(1) Purpose. The purpose of this section is to define roadway and other transportation activities, uses, and projects that may be allowed in any land use zone governed by LC Chapter 16, subject to applicable standards and requirements. It clarifies the status of these activities and the processes necessary to implement the Lane County Transportation System Plan (TSP), a Special Purpose Plan of the Rural Comprehensive Plan.

(2) Definitions. The definitions in LC 15.010 shall apply to transportation facilities and uses specified in LC 16.265(3) below.

(3) Transportation Facilities and Uses. The following transportation facilities and uses may be permitted outright or as special uses only as specified in the applicable land use zone, subject to LC 16.265(4) and other applicable requirements of Lane Code:

- (a) Climbing and passing lanes;
- (b) Reconstruction or modification as defined in LC 15.010, and modernization as defined in LC 15.010 of public roads and highways, including:
 - (i) acquisition of right-of-way, including the removal or displacement of buildings but not including the creation of new parcels.
 - (ii) channelization as defined in LC 15.010.
 - (iii) the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way.
 - (iv) the addition of travel lanes.
 - (v) continuous median turn lanes.
- (c) 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.
- (d) Improvement of public roads and related facilities such as maintenance yards, weigh stations and rest areas, to support the operation and maintenance of public roads and highways, including the acquisition of right-of-way but not resulting in the creation of new lots or parcels;
- (e) 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.
- (f) 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.
- (g) 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.
- (h) Changes in the frequency of transit, rail and airport services.
- (i) Park and ride lots.
- (j) Realignment as defined in LC 15.010 not otherwise allowed in this section.
- (k) Replacement of an intersection with an interchange.
- (l) 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 an exception area, or in other areas where the function of the road is to reduce local access to or local traffic

Ordinance No. 18-08
Exhibit B
Findings of Fact & Conclusions

LC 12.005 Purpose.

(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

The proposed amendments do not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County. The proposed amendments update implementing regulations and follow the laws determined by State of Oregon to best promote the will of the people. Adoption of the proposed amendments will bring the implementing regulations into compliance with State law, promote consistency at the local level with the applicable state laws, and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable State law.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

The proposed amendments will be adopted by ordinance when enacted by the Board.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:
(a) an error in the plan; or
(b) changed circumstances affecting or pertaining to the plan; or
(c) a change in public policy; or
(d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.

The proposed amendments implement changes to State law and Board policy direction and as such, meet this provision under (b), (c), and (d) above upon adoption by the Board.

LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements.

(2) Criteria. [Amendments] shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.

The proposed amendments are intended to comply with State law, provide additional clarification on procedures for applications and appeals, and as applicable, help implement the Lane County Rural Comprehensive Plan. The proposed amendments are not contrary to the public interest in that they implement the laws determined by the State of Oregon to best promote the will of the people.

16.090 Definitions.

~~For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, shall be considered as providing ordinary accepted meanings. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.~~

When a Term Is Not Defined. Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.

Conflicting Definitions. Where a term defined in section 13.030 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the term in this section will control.

Definitions. For the purposed of Chapter 16 of the Lane Code, unless the context requires otherwise, the following words and phrases mean:

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

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

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

(4) **Accessory Structure. A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use.**

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

(6) Agriculture. Synonymous with definition of "farm use."

(7) Agricultural Building ~~-(1)-~~ Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

(i) Storage, maintenance or repair of farm or forestry machinery and equipment;

(ii) The raising, harvesting and selling of crops or forest products;
(iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
(iv) Dairying and the sale of dairy products;
(v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(b) "Agricultural building" does not include:

(i) A dwelling;
(ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
(iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
(iv) A structure used by the public; or
(v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

(i) Stabling or training equines; or
(ii) Riding lessons and training clinics;
(d) "Equine facility" does not include:
(i) A dwelling;
(ii) A structure in which more than 10 persons are present at any one time;
(iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;

or

(iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(e) A person may not convert an agricultural building authorized for a forest use or mixed farm and forest use to another use.

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

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

(10) Amendment, Minor. A change to a preliminary plan, plat or map which:
~~(1a)~~ Does not change the number of lots or parcels created by the subdivision or partition;
~~(2b)~~ Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;

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

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

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

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

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

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

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

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

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

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

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

(20) Auxiliary. **As used in the F-1 zone and F-2 zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.**

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

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

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

(24) Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is ~~located~~**cited as a home occupation** on the same tract as a Winery **or Cider Business**, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery **or Cider Business**.

(25) Biofuel. The liquid, gaseous or solid fuels derived from biomass, **that have been converted into processed fuel ready for use as energy by a biofuel producer's customers or for direct biomass energy use at a biofuel producer's site.**

(26) Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

(4a) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2b) Wood material from hardwood timber described in ORS 321.267(3);

(3c) Agricultural residues;

(4d) Offal and tallow from animal rendering;

- ~~(5e)~~ Food wastes collected as provided under ORS Chapter 459 or 459A;
- ~~(6f)~~ Yard or wood debris collected as provided under ORS chapter 459 or 459A;
- ~~(7g)~~ Wastewater solids; or
- ~~(8h)~~ Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.

~~(27)~~ Board. Board of County Commissioners of Lane County.

~~(28)~~ Boarding of Horses. The boarding of horses for profit shall include the following:

- ~~(4a)~~ The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and
- ~~(2b)~~ Related facilities, such as training arenas, corrals and exercise tracks.

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

- ~~(ai)~~ The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.
- ~~(bii)~~ The incidental stabling of not more than four horses.
- ~~(eiii)~~ The boarding of horses for friends or guests where no charge is made.
- ~~(div)~~ Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

~~(29)~~ Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.

~~(30)~~ Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

~~(31)~~ Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

~~(32)~~ Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings. **Retaining walls less than four (4) feet in height and fences not higher than six (6) feet are not considered buildings for the sake of general property line setbacks.**

~~(33)~~ Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

~~(34)~~ Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.

~~(35)~~ Campground.

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

~~(b)~~ **Applicable to Nonimpacted Forest Lands Zone (F1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU-RCP) only, an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.**

- (36) Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.
- (37) Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.
- (38) Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.
- (39) Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
- (40) Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.
- (41) 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.
- (42) Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.
- (43) Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
- (44) Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.
- (45) Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.
- (46) Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.
- (47) Compost. The controlled biological decomposition of organic material or the product resulting from such a process.
- (48) Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.
- (49) Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.
- (50) County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

- (51)** Cultured Christmas Trees. Means trees:
- ~~(1a)~~ Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
 - ~~(2b)~~ Of a marketable species;
 - ~~(3c)~~ Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
 - ~~(4d)~~ Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.
- (52)** Current Employment of Land for Farm Use. Includes:
- ~~(1a)~~ Farmland, the operation or use of which is subject to any farm-related government program;
 - ~~(2b)~~ Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
 - ~~(3c)~~ Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
 - ~~(4d)~~ Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
 - ~~(5e)~~ Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
 - ~~(6f)~~ Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
 - ~~(7g)~~ Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);
 - ~~(8h)~~ Water impoundments lying in or adjacent to and in common ownership with farm use land;
 - ~~(9i)~~ Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
 - ~~(10j)~~ Any land described under ORS 321.267(3) or 321.824(3); and
 - ~~(11k)~~ Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:
 - ~~(ai)~~ Only the crops of the landowner are being processed;
 - ~~(bii)~~ The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - ~~(eiii)~~ The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

(53) Date of Creation and Existence. Applicable to Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU, RCP) only. 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.

~~(54)~~ **Day.** A calendar day, computed consistent with ORS 174.120.

~~(55)~~ **Day Care Nurseries.** Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

~~(56)~~ **Deflation Plain.** The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

~~(57)~~ **Department.** The Lane County Department of Public Works.

~~(58)~~ **Depth.** The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

~~(59)~~ **Design Depth.** The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

~~(4a)~~ The limits of dredging precision which causes “overdepth”; and

~~(2b)~~ The practice, where approved by the Corps of Engineers, of “advanced maintenance” overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

~~(60)~~ **Destroy.** To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

~~(61)~~ **Development.** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

~~(62)~~ **Development, Minimal.** Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

~~(63)~~ **Director.** The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

~~(64)~~ **Disposal site.** For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

~~(4a)~~ “Disposal site” does not include:

~~(Ai)~~ A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

~~(Bii)~~ A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

~~(Ciii)~~ A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;

~~(Div)~~ A site operated by a dismantler issued a certificate under ORS 822.110; or

~~(Ev)~~ A site used for the storage of dredged materials.

- (65) Dune. A hill or ridge of sand built up by wind along sandy coasts.
- (66) Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation. free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.
- (67) Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.
- (68) Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.
- (69) Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."
- (70) Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.
- (71) Dwelling. A building or portion thereof which is occupied ~~in whole or in part~~ as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, **guest houses, mobile homes** and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling **or manufactured home** unless otherwise noted.
- (72) 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.
- (73) Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.
- (74) Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.
- (75) Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.
- (76) Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.
- (77) Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.
- (78) Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.
- (79) Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

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

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

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

(83) Farm Use. Means:

(4a) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

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

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

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

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

(4f) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);

(g) As used in this definition:

“Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

“Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

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

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

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

- (a) **I**nvolve the human placement of materials; and
- (b) ~~create~~ **Create** new uplands or raise the elevation of land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(99) Forest Uses. **Forest uses Aare:**

~~(1a)~~ the production of trees and the processing of forest products;

(2b) open space, buffers from noise and visual separation of conflicting uses;

(3c) watershed protection and wildlife and fisheries habitat;

(4d) soil protection from wind and water;

(5e) maintenance of clean air and water;

(6f) outdoor recreational activities and related support services and wilderness values compatible with these uses; and

(7g) grazing land for livestock.

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

(101) Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for

which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

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

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

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

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

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

(107) Guest House, ~~Servant's-Employee~~ Quarters. An accessory building without a kitchen or cooking facilities and occupied solely by nonpaying guests or by ~~servants-a person or persons~~ employed on the premises. **As used in the F-1, F-2, and EFU zones, means an accessory building without a kitchen or cooking facilities and solely occupied by nonpaying guests.**

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

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

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

(1a) Historically significant.

(2b) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (/H-RCP) Zone. The above sites are also identified separately in LM 11.300.

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

(112) Hydraulic. Related to the movement or pressure of water.

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

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

(115) Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or

remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

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

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

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

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

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

(121) Irrigated. 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. For the purposes of this chapter, 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.

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

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

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

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

(126) Lawfully Established Unit of Land.

~~(1a)~~ A lot or parcel created pursuant to ORS 92.010 to 92.190; or

~~(2b)~~ Another unit of land:

~~(ai)~~ Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

~~(bii)~~ Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

~~(eiii)~~ That received legal lot verification from the County and was noticed pursuant LC 13.020.

~~(c3)~~ 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

~~(4d)~~ A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

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

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

(129) 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.

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

(131) 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.

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

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

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

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

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

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

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

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

(140) **Manufactured Dwelling. A residential trailer, mobile home, or manufactured home. "Manufactured dwelling" does not include any building or structure constructed to conform the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 (Duties of director) to 455.450 (Prohibited acts) and 455.610 (Low-Rise Residential Dwelling Code) to 455.630 (Enforcement) or any unit identified as a recreational vehicle by the manufacturer.**

(141) Manufactured Home. ~~A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.—A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.~~ The term "manufactured home" **is synonymous with "manufactured dwelling," but** does not include a "recreational vehicle."

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

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

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

(145) Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300. (OAR 845-025-1015(24))

(146) Marijuana processing. A use where a marijuana processor processes marijuana.

(a) For the purpose of this definition the term “marijuana processor” means a person who processes marijuana items in the State of Oregon. (OAR 845-025-1015(28)).

(b) For the purpose of this definition the term “processes” means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. (OAR 845-025-1015(39)).

(c) In accordance with ORS 215.213(1)(u), a facility for processing farm crops may be allowed in an Exclusive Farm Use (EFU) zone as part of the marijuana production use:

(i) If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility

(ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.

(iii) A processing facility or establishment must comply with all applicable siting standards.

(147) Marijuana production.

(a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms “farm”, and “farming practice”, as those terms are applied in ORS 30.930.

(b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).

(c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.

(d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.

(e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))

(i) The definition of “produces” does not include:

(aa) Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

(bb) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))

(148) Marijuana research. A use that includes those activities specified in an OLCC approved research proposal that are conducted by qualified public or private researchers that are in possession of a valid OLCC Marijuana Research Certificate pursuant to ORS 845-025-5300.

(149) Marijuana retail sales. A use where marijuana is bought and sold by a marijuana retailer.

(a) For the purpose of this definition the term “marijuana retailer” means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))

(150) Marijuana testing laboratory. A use that includes the testing of marijuana in a laboratory certified by the authority under ORS 438.605 to 438.620 and for the purposes specified within OAR 845-025.

(151) Marijuana wholesale distribution. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling.

(a) For the purpose of this definition the term “marijuana wholesaler” means a person who purchases marijuana items in the State of Oregon for resale to a person other than a consumer. (OAR 845-025-1015(31))

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

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

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

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

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

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

(157) Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such

person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

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

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

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

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

(162) 100 Year Flood. See "Base Flood".

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

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

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

(166) Outdoor Mass Gathering. A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

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

(168) Parcel.

(1a) Includes a unit of land created:

(~~ai~~) by partitioning land as defined in LC 16.090,
(~~bii~~) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
(~~eiii~~) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

(~~2b~~) It does not include a unit of land created solely to establish a separate tax account.

(169) 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.

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

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

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

(173) Partition. Either an act of partitioning land or an area or tract of land partitioned.

(174) Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

(4a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2b) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;

(3c) Dividing land as a result of the recording of a subdivision or condominium plat;

(4d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(5e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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

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

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

(178) Planning Commission. The Planning Commission of Lane County, Oregon.

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

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

(181) Preparation. See “farm use” definition.

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

(183) Processed. **As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption**

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

(185) Property Line. “Property line” means the division line between two units of land.

(186) Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

(187) Received. Acquired by or taken into possession by the Director.

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

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

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

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

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

(191) Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer

or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

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

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

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

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

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

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

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

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

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

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

(202) Rural Land. Land outside urban growth boundaries that is:

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

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

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

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

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

(4a) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

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

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

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

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

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

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

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

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

(213) Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

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

(222) Tract.

(~~1a~~) A lot or parcel as defined in LC 16.090.

(2b) For the purposes of LC 16.211, "Tract" means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

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

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

(226) Veterinary Clinic. Synonymous with the definition of “animal hospital.”

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

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

(ai) “Access” means physical contact with or use of the water;

(bii) “Energy production” means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

(eiii) “Recreation” means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

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

(ev) “Source of water” means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(fvi) “Water-borne transportation” means use of water access:

(iaa) Which are themselves transportation (e.g., navigation);

(ibb) Which require the receipt of shipment of goods by water; or

(icc) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

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

(ai) Aquaculture.

(b2) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.

(e3) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d4) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not “water dependent uses” include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e5) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f6) Recreational. Recreational marinas, boat ramps and support.

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

(a) Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result in public loss of quality in the

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goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

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

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

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

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

(233) 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.

(234) Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot.

(235) Youth Camp. A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

(236) Yurt: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16; 18-02, 8.9.18)

16.095 Compliance with LC Chapter 15, Roads.

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

**DEVELOPMENTAL APPROVAL PROCEDURES
RURAL COMPREHENSIVE PLAN**

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

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

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

(2) **Ex Parte Contacts.** A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.070(5). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02; 18-02, 8.9.18)*

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PAGES 16-46 THROUGH 16-56
ARE RESERVED FOR FUTURE EXPANSION

NONIMPACTED FOREST LANDS ZONE (F-1, RCP)

RURAL COMPREHENSIVE PLAN

F-1 Zone Table of Contents

(1) Purpose	57
(2) Use Table	57
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(8) Telecommunication Facilities.	89

16.210 Nonimpacted Forest Lands (F-1, RCP)

(1) Purpose

The purpose of the Nonimpacted Forest Land (F-1) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-1 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-1 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-1 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size, prohibition of new dwellings, and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.210-1 sets forth the uses allowed in the F-1 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.210-1. All uses and their accessory

buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.210.

As used in Table 16.210-1:

(a) Use Type:

- (i) "A" means the use is allowed outright or permitted subject to standards.**
- (ii) "C" means the use is a Conditional Use, subject to Section (4) and other listed criteria.**

(b) Local Procedure Type:

- (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.**
- (ii) "AL" means Assembly License, subject to LC 3.995.**
- (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.**
- (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.**
- (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.**

(c) The "Subject To" column identifies any specific provisions of LC 16.210 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.210(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.210(5) and (6). Any new structure subject to LC 16.210(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.

(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(n), (5), (6)
2.2.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(a), (3)(n)-(p), (5), (6)
2.3.	Temporary hardship dwelling	C	II	(3)(b), (3)(n), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(d)
3.6.	Home occupations	C	II	(3)(c), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(i), (4), (5), (6)
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(e), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(f), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(j), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(j), (4)
5.19.	Continuous median turn lanes	C	II	(3)(j), (4)
5.20.	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	C	II	(3)(j), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.210 that serve local travel needs	C	II	(3)(j), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.2.	Water intake facilities, canals and distribution lines for farm irrigation and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(g), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(k), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)

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	Use	Use Type	Local Procedure Type	Subject to
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(h), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(l), (4), (5), (6)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(m)
9.	Accessory Uses			
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.210.	A	P or II	(3)(p), (5), (6)

(3) Use Standards

- (a) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:**
 - (i) The dwelling was lawfully established;**
 - (ii) The lawfully established dwelling:**
 - (aa) Has intact exterior walls and roof structures;**
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 - (cc) Has interior wiring for interior lights; and**
 - (dd) Has a heating system;**
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.**
- (b) A temporary hardship dwelling is subject to the following:**
 - (i) One manufactured dwelling (MH), or recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;**
 - (bb) Except as provided in (3)(b)(i)(cc) below, approval of a temporary hardship dwelling permit is valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirement;**

- (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
 - (ii) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(b) above cannot be eligible for replacement under (3)(a) above.
 - (c) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-1 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.210;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
 - (d) An in-home commercial activity must comply with the following requirements:
 - (i) Meets the criteria under Section (3)(c)(i), (ii), (iii), (v), and (vi);
 - (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;
 - (iii) Is conducted within a dwelling;
 - (iv) Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage;
 - (v) Does not serve clients or customers on-site;

- (vi) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and
- (vii) Does not include the outside storage of materials, equipment, or products.
- (e) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (f) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted;
 - (iii) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (g) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (h) Private Parks and Private Campgrounds.
 - (i) Campgrounds in private parks may be permitted, subject to the following:
 - (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;

- (bb) A campground must 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 or other natural features between campsites;
- (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
- (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
- (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(h)(i)(ff); and
- (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (i) Permanent facility for the primary processing of forest products.

 - (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(i)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (j) Certain transportation facilities and uses must comply with the following:

- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. Lane County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
- (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
- (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (k) Youth Camps

 - (i) The purpose of a youth camp is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
 - (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(k)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph (3)(k)(ii)(aa).
 - (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

- (ee) A campground as described in Subsection (3)(h) cannot be established in conjunction with a youth camp.
- (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
- (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:

 - (aa) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination is based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.
 - (bb) Is at least 40 acres in size.
 - (cc) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers must consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property is 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

- (dd) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:

 - (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
 - (bb) Primary cooking and eating facilities must be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.
 - (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
 - (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 - (ff) Covered areas that are not fully enclosed.
 - (gg) Administrative, maintenance, and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

- (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:

 - (aa) The fire siting standards in Section (6).
 - (bb) A fire safety protection plan must be developed for each youth camp that includes the following:

 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (cc) Except as determined under paragraph (3)(k)(v)(dd), a youth camp's on-site fire suppression capability must at least include:

 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and
 - (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability must be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.

- (ee) The provisions of paragraph (3)(k)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs Lane County in writing that on-site fire suppression at the camp is not needed.
- (vi) The Director, or its designate, requires as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (l) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.

- (vii) As used in this section, “storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (m) Any Outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:

 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
 - (ii) The proposed gathering is compatible with existing land uses;
 - (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
 - (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (n) For single-family dwellings, the landowner must sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (o) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (p) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.210(5)(a). For the purpose of LC 16.210(3)(p), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.210-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

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- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.3, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.210. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by nonforest uses;
 - (iii) Where possible, when considering LC 16.210(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot be located closer than:
 - (i) 20 feet from the right-of-way of a state road, County road, or a local access public road specified in LC Chapter 15.

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- (ii) **30 feet from all property lines other than those described in Section (5)(b)(i).**
 - (iii) **The minimum distance necessary to comply Sections (5)(a) and (6).**
 - (iv) **Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.**
- (c) **Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(5)(c) above, evidence of domestic water supply means:**
 - (i) **Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;**
 - (ii) **A water use permit issued by the Water Resources Department for the use described in the application; or**
 - (iii) **Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.**
- (d) **As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.**
- (e) **Approval of a dwelling is subject to the following requirements:**

- (i) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules.
- (ii) The Director must notify the County Assessor of the above condition at the time the dwelling is approved.
- (iii) Stocking survey report:

 - (aa) If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.

 - (i) Signs cannot extend over a public right-of-way or project beyond the property line;
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
 - (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.210:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:**
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;**
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;**
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;**
 - (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and**
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).**
- (b) Fire Safety Design Standards for Roads and Driveways.**

- (i) Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein, "driveway" means a way of access used for only one dwelling.
- (ii) Road and Driveway Surfaces. Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.
- (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:
 - (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.210(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

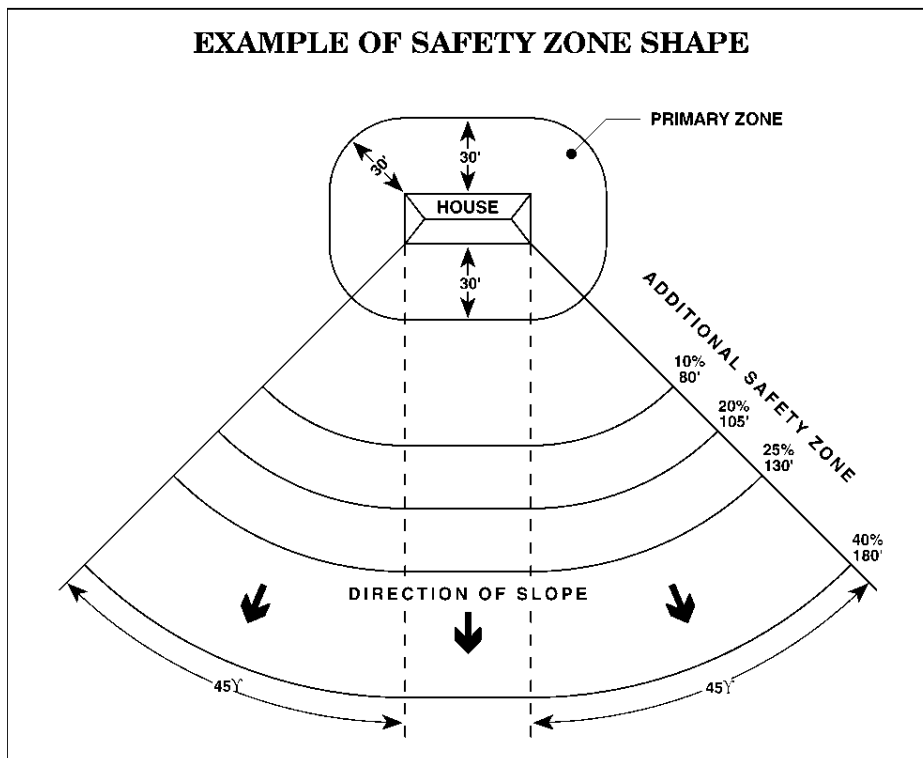
- (bb) **Cul-de-sac Turnarounds.** Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
- (cc) **Cul-de-sacs or hammerhead turnarounds cannot cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.**
- (iv) **Bridges and Culverts.** Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.
- (v) **Road and Driveway Grades.** Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access: the use, firefighting equipment, and water supply.
- (vi) **Identification.** Roads must be named and addressed in compliance with LC 15.305 through 15.335.
- (vii) **Driveway Vehicle Passage Turnouts.** Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

- (viii) **Modifications and Alternatives.** The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.
- (c) **Fuel-Free Breaks.** The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.
- (i) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.210. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
- (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.210-2 Minimum Primary Safety Zone

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

Figure 16.210-1



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

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.**
- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:**
 - (i) The following uses in Table 16.210-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:**
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons**
 - (bb) Use 1.4. Log scaling and weigh stations**
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.**
 - (dd) Use 3.8. Permanent logging equipment repair and storage.**
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.**
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.**
 - (gg) Use 6.4. Television, microwave and radio communication facilities and transmission towers.**
 - (hh) Use 6.7. Reservoirs and water impoundments**
 - (ii) Use 6.8. Commercial power generating facilities**
 - (jj) Use 7.3. Aides to navigation and aviation**
 - (kk) Use 7.4. Firearms training facilities**
 - (ll) Use 7.5. Fire stations for rural fire protection**
 - (mm) Use 7.6. Cemeteries.**

- (nn) Use 7.7. Public parks
- (oo) Use 7.8. Private parks and campgrounds
- (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

 - (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and
 - (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
 - (cc) Restrictions

 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:

 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

- (iv) To allow a division of a lot or parcel zoned for forest use if:

 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(a)(i);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and

- (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
- (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in (aa) through (dd) below:
 - (aa) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:
 - (A) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
 - (bb) Before approving a proposed division of land under this section, the Planning Director must require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

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- (A) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and
- (B) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (cc) If a proposed division of land under (7)(b)(v) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.
- (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.
- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-1 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

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Bold indicates material being added
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- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16.

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**PAGES 16-89 THROUGH 16-91
ARE RESERVED FOR FUTURE EXPANSION**

**IMPACTED FOREST LANDS ZONE (F-2, RCP)
RURAL COMPREHENSIVE PLAN**

F-2 Zone Table of Contents

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16.211 Impacted Forest Lands (F-2, RCP)

(1) Purpose

The purpose of the Impacted Forest Land (F-2) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-2 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-2 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-2 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.211-1 sets forth the uses allowed in the F-2 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.211-1. All uses and their accessory

buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.211.

As used in Table 16.211-1:

(a) Use Type:

- (i) “A” means the use is allowed outright or permitted subject to standards.**
- (ii) “C” means the use is a Conditional Use, subject to Section (4) and other listed criteria.**

(b) Local Procedure Type:

- (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.**
- (ii) “AL” means Assembly License, subject to LC 3.995.**
- (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.**
- (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.**
- (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.**

(c) The “Subject To” column identifies any specific provisions of LC 16.211 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.211(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.211(5) and (6). Any new structure subject to LC 16.211(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.

(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4), “...discretionary approval of a proposed development of land...” an owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

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Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(q), (5), (6)
2.2.	Large tract forest dwelling	A	II	(3)(a), (3)(q), (3)(r), (5), (6)
2.3.	Lot of record dwelling	A	II	(3)(b), (3)(q), (3)(r), (5), (6)
2.4.	Template dwelling	A	II	(3)(c), (3)(q), (3)(r), (5), (6)
2.5.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(d), (3)(q), (3)(s), (5), (6)
2.6.	Temporary hardship dwelling	C	II	(3)(e), (3)(q), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(g)
3.6.	Home occupations	C	II	(3)(f), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(l), (4), (5), (6)
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(h), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(i), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			

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Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(m), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(m), (4)
5.19.	Continuous median turn lanes	C	II	(3)(m), (4)
5.20.	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	C	II	(3)(m), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(m), (4)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation, Solid Waste			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm on and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(j), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(n), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(k), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(o), (4), (5), (6)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(p)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.211.	A	P or II	(3)(s), (5), (6)

(3) Use Standards

- (a) A large tract forest dwelling may be allowed on a lot or parcel zoned for forest use, but it must comply with other provisions of law, including the following:**
 - (i) The tract does not include a dwelling.**
 - (ii) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in Lane County or adjacent counties and zoned for forest use.**
 - (aa) A tract cannot be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.**
 - (iii) Prior to issuance of a building permit, a deed restriction must be filed for all tracts that are used to meet the acreage requirements of this subsection pursuant to:**
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.**
 - (bb) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.**

- (b) A lot of record dwelling may be allowed on a lot or parcel zoned for forest use pursuant to the following:**
 - (i) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (iv):**
 - (aa) Since prior to January 1, 1985; or**
 - (bb) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;**
 - (ii) The tract on which the dwelling will be sited does not include a dwelling;**
 - (iii) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;**
 - (iv) For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members;**
 - (v) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined in LC Chapter 15 that provides or will provide access to the subject tract. The road must be maintained and either paved or surfaced with rock and cannot be:**
 - (aa) A United States Bureau of Land Management road; or**
 - (bb) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency;**
 - (vi) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract must be consolidated into a single lot or parcel when the dwelling is allowed; and**

- (vii) **When the lot or parcel on which the dwelling will be sited lies within an area designated in the Rural Comprehensive Plan as habitat of big game, the siting of the dwelling must be consistent with the limitations on density upon which the Rural Comprehensive Plan and land use regulations intended to protect the habitat are based.**
- (c) **A single family “template” dwelling authorized on a lot or parcel located within a forest zone pursuant to the following:**

 - (i) **If the lot or parcel is predominantly composed of soils that are:**

 - (aa) **Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:**

 - (A) **All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**
 - (B) **At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.**
 - (bb) **Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:**

 - (A) **All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**
 - (B) **At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.**
 - (cc) **Capable of producing more than 85 cubic feet per acre per year of wood fiber if:**

 - (A) **All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and**
 - (B) **At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.**
 - (ii) **Lots or parcels within urban growth boundaries cannot be used to satisfy the eligibility requirements of subsection (i) above;**
 - (iii) **A dwelling, as used in subsection (i) above, is considered to be in the 160-acre template if any part of the parcel is in the 160-acre template;**

- (iv) **Except as provided by subsection (v) below, if the subject tract abuts a road that existed on January 1, 1993, the measurement required in (i) above may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;**
- (v) **The following applies where a tract 60 acres or larger abuts a road or perennial stream:**
 - (aa) **The measurement must be made in accordance with paragraph (iv). However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:**
 - (A) **Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or**
 - (B) **Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract;**
 - (bb) **If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling;**
- (vi) **A proposed "template" dwelling under this section is not allowed:**
 - (aa) **Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph (3)(a)(iii) for the other lots or parcels that make up the tract are met; or**
 - (bb) **If the tract on which the dwelling will be sited includes a dwelling;**
- (vii) **Where other lots or parcels that make up a tract in Subsection (vi):**
 - (aa) **The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located;**

- (bb) **The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located;**
 - (viii) **The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions, and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.**
 - (d) **Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:**
 - (i) **The dwelling was lawfully established;**
 - (ii) **The lawfully established dwelling:**
 - (aa) **Has intact exterior walls and roof structures;**
 - (bb) **Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 - (cc) **Has interior wiring for interior lights; and**
 - (dd) **Has a heating system;**
 - (iii) **In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.**
 - (e) **A temporary hardship dwelling is subject to the following:**
 - (i) **One manufactured dwelling (MH), recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**
 - (aa) **The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;**

- (bb) Except as provided in (3)(e)(i)(cc) below, approval of a temporary hardship dwelling permit is valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirement;
- (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use or demolished; and
- (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
- (ii) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons; and
- (iii) A temporary hardship dwelling approved under (3)(e) above cannot be eligible for replacement under (3)(d) above.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-2 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.211;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
- (g) An in-home commercial activity must comply with the following requirements:
 - (i) Meets the criteria under Section (3)(f)(i), (ii), (iii), (v), and (vi) ;
 - (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;

- (iii) **Is conducted within a dwelling;**
 - (iv) **Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage;**
 - (v) **Does not serve clients or customers on-site;**
 - (vi) **Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and**
 - (vii) **Does not include the outside storage of materials, equipment, or products.**
- (h) **Private seasonal accommodations for fee hunting operations are subject to the following requirements:**
 - (i) **Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;**
 - (ii) **Only minor incidental and accessory retail sales are permitted; and**
 - (iii) **Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.**
- (i) **Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:**
 - (i) **Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;**
 - (ii) **Only minor incidental and accessory retail sales are permitted;**
 - (iii) **Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and**
 - (iv) **Accommodations must be located within one-quarter mile of fish-bearing Class I waters.**
- (j) **A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.**
- (k) **Private Parks and Private Campgrounds.**
 - (i) **Campgrounds in private parks may be permitted, subject to the following:**

- (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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 or other natural features between campsites;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
 - (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(k)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (l) Permanent facility for the primary processing of forest products.
- (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(l)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (m) Certain transportation facilities and uses must comply with the following:

- (i) **Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;**
- (ii) **Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and**
- (iii) **Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.**
- (n) **Youth Camps**

 - (i) **The purpose of a youth camp is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.**
 - (ii) **An application for a proposed youth camp must comply with the following:**

 - (aa) **The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(n)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.**
 - (bb) **Lane County may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph (3)(n)(ii)(aa).**
 - (cc) **Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.**
 - (dd) **The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.**

- (ee) **A campground as described in Subsection (3)(k) cannot be established in conjunction with a youth camp.**
- (ff) **A youth camp cannot be allowed in conjunction with an existing golf course.**
- (gg) **A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.**
- (iii) **The youth camp must be located on a lawful parcel that is:**

 - (aa) **Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination is based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.**
 - (bb) **Is at least 40 acres in size.**
 - (cc) **Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers must consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property is 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:**

 - (A) **The proposed setback will prevent conflicts with commercial resource management practices;**
 - (B) **The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and**
 - (C) **The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.**

- (dd) **Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.**
- (iv) **A youth camp may provide for the following facilities:**

 - (aa) **Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.**
 - (bb) **Primary cooking and eating facilities must be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.**
 - (cc) **Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.**
 - (dd) **Up to three camp activity buildings, not including primary cooking and eating facilities.**
 - (ee) **Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.**
 - (ff) **Covered areas that are not fully enclosed.**
 - (gg) **Administrative, maintenance, and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.**

- (hh) **An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).**
- (ii) **A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.**
- (v) **A proposed youth camp must comply with the following fire safety requirements:**

 - (aa) **The fire siting standards in Section (6).**
 - (bb) **A fire safety protection plan must be developed for each youth camp that includes the following:**

 - (A) **Fire prevention measures;**
 - (B) **On site pre-suppression and suppression measures; and**
 - (C) **The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.**
 - (cc) **Except as determined under paragraph (3)(n)(v)(dd), a youth camp's on-site fire suppression capability must at least include:**

 - (A) **A 1000 gallon mobile water supply that can access all areas of the camp;**
 - (B) **A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;**
 - (C) **A sufficient number of fire-fighting hand tools; and**
 - (D) **Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.**
 - (dd) **An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability must be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.**

- (ee) **The provisions of paragraph (3)(n)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.**
- (vi) **The Director, or its designate, requires as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**
- (o) **Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):**

 - (i) **Areas within an urban growth boundary cannot reasonably accommodate the structures;**
 - (ii) **The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);**
 - (iii) **Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;**
 - (iv) **The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;**
 - (v) **The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and**
 - (vi) **Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.**

- (vii) **As used in this section, “storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.**
- (p) **Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:**

 - (i) **The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;**
 - (ii) **The proposed gathering is compatible with existing land uses;**
 - (iii) **The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and**
 - (iv) **The provisions of ORS 433.755 shall apply to the proposed gathering.**
- (q) **For single-family dwellings, the landowner must sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**
- (r) **For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.**
- (s) **If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.211(5)(a). For the purpose of LC 16.211(3)(s), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.**

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.211-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) **The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.**
- (b) **The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.**
- (c) **A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.6, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.**
- (d) **For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.**

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) **Residences, dwellings, and structures must be sited as follows:**
 - (i) **Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);**
 - (ii) **With minimal intrusion into forest areas undeveloped by non-forest uses;**
 - (iii) **Where possible, when considering LC 16.211(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and**
 - (iv) **The amount of forest lands used to site access roads, service corridors, and structures must be minimized.**
- (b) **Setbacks. Structures other than a fence or sign cannot be located closer than:**
 - (i) **20 feet from the right-of-way of a state road, County road, or a local access public road specified in LC Chapter 15.**

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- (ii) **30 feet from all property lines other than those described in Section (5)(b)(i).**
 - (iii) **The minimum distance necessary to comply Sections (5)(a) and (6).**
 - (iv) **Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.**
 - (c) **Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(5)(c) above, evidence of domestic water supply means:
 - (i) **Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;**
 - (ii) **A water use permit issued by the Water Resources Department for the use described in the application; or**
 - (iii) **Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.****
 - (d) **As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.**
 - (e) **Approval of a dwelling is subject to the following requirements:**

- (i) **Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules.**
- (ii) **The Director must notify the County Assessor of the above condition at the time the dwelling is approved.**
- (iii) **Stocking survey report:**
 - (aa) **If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and**
 - (bb) **Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.**
- (f) **Signs.**
 - (i) **Signs cannot extend over a public right-of-way or project beyond the property line;**
 - (ii) **Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and**
 - (iii) **Signs are to be limited to 200 square feet in area.**

(6) Fire-Siting Standards for Dwellings and Structures. The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) **The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:**

- (i) **The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;**
 - (ii) **If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;**
 - (iii) **The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;**
 - (iv) **Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and**
 - (v) **A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).**
- (b) Fire Safety Design Standards for Roads and Driveways.**
- (i) **Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.**

- (ii) **Road and Driveway Surfaces.** Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.
- (iii) **Turnarounds.** Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:
 - (aa) **Hammerhead Turnarounds.** Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or
 - (bb) **Cul-de-sac Turnarounds.** Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
 - (cc) **No cul-de-sacs or hammerhead turnarounds must be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.**

- (iv) **Bridges and Culverts.** Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.
- (v) **Road and Driveway Grades.** Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.
- (vi) **Identification.** Roads must be named and addressed in compliance with LC 15.305 through 15.335.
- (vii) **Driveway Vehicle Passage Turnouts.** Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.
- (viii) **Modifications and Alternatives.** The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.
- (c) **Fuel-Free Breaks.** The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.

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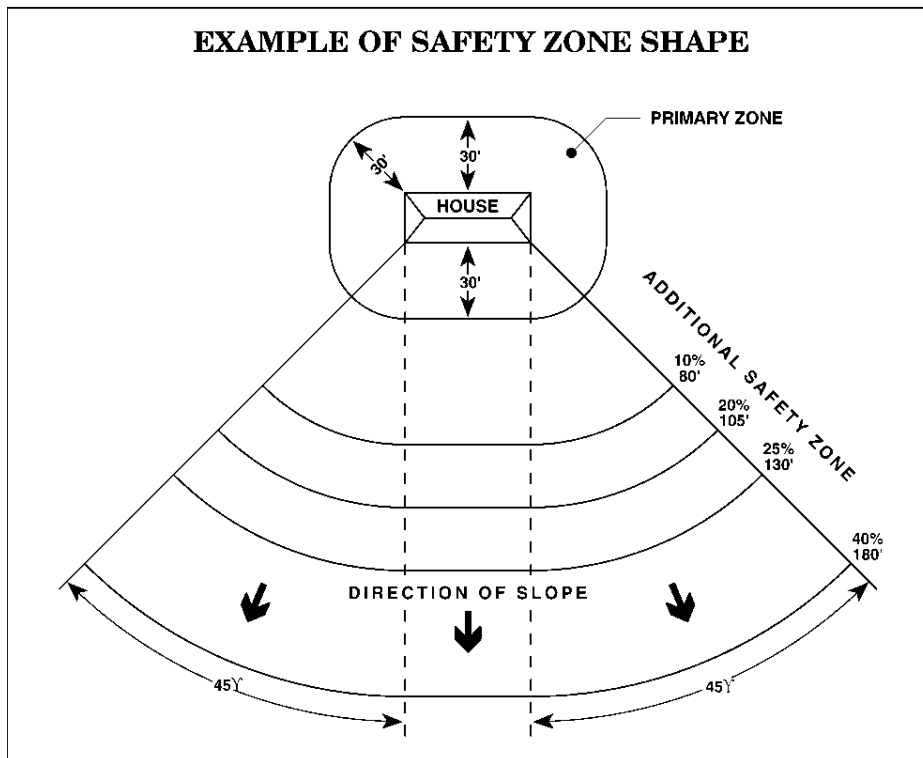
(i) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.211. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.

(aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.211-2 Minimum Primary Safety Zone

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

Figure 16.211-1



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

- (d) **The dwelling must have a fire retardant roof.**
- (e) **Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.**
- (f) **If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.**

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.**
- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:**
 - (i) The following uses in Table 16.211-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:**
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons**
 - (bb) Use 1.4. Log scaling and weigh stations**
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.**
 - (dd) Use 3.8. Permanent logging equipment repair and storage.**
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.**
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.**
 - (gg) Use 6.3. Television, microwave and radio communication facilities and transmission towers.**
 - (hh) Use 6.6. Reservoirs and water impoundments**
 - (ii) Use 6.7. Commercial power generating facilities**
 - (jj) Use 7.3. Aides to navigation and aviation**
 - (kk) Use 7.4. Firearms training facilities**
 - (ll) Use 7.5. Fire stations for rural fire protection**
 - (mm) Use 7.6. Cemeteries.**
 - (nn) Use 7.7. Public parks**

(oo) Use 7.8. Private parks and campgrounds

(ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

(aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and

(bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(A) Meets the minimum land division standards of the zone; or

(B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

(cc) Restrictions

(A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).

(B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:**

 - (aa) Are not eligible for siting of a new dwelling;**
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;**
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and**
 - (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:**

 - (A) Facilitate an exchange of lands involving a governmental agency; or**
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.**

- (iv) To allow a division of a lot or parcel zoned for forest use if:**

 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;**
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(d)(ii);**
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;**
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and**

- (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
- (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in (aa) through (dd) below:

 - (aa) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

 - (A) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
 - (bb) Before approving a proposed division of land under this section, the Planning Director must require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

- (A) **Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and**
- (B) **Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.**
- (cc) **If a proposed division of land under (7)(b)(v) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.**
- (dd) **The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.**
- (vi) **A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-2 and is smaller than 80 acres, provided that:**
 - (aa) **If the parcel contains a dwelling, it must be large enough to support continued residential use.**
 - (bb) **If the parcel does not contain a dwelling, the parcel:**
 - (A) **Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;**
 - (B) **May not be considered in approving or denying an application for siting any other dwelling; and**
 - (C) **May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.**
- (c) **A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.**

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- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.**

(8) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16.

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**PAGES 16-128 THROUGH 16-130
ARE RESERVED FOR FUTURE EXPANSION**

EXCLUSIVE FARM USE ZONE (EFU-RCP)

RURAL COMPREHENSIVE PLAN

EFU Zone Table of Contents

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16.212 Exclusive Farm Use Zone (EFU-RCP)

(1) Purpose

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The EFU zone has been applied to lands designated as Agriculture in the Rural Comprehensive Plan. The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

(2) Definitions

For the purpose of LC 16.212, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- (a) **Agri-tourism.** “Agri-tourism” means a common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals..
- (b) **Associated Transmission Lines.** “Associated transmission lines” means transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
- (c) **Farm Operation.** “Farm Operation” means all lots or parcels of land in the same ownership that are used by the farm operator for farm use as defined in ORS 215.203.

- (d) **Farm Operator.** “Farm Operator” is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing.
- (e) **Golf course.** An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of LC 16.212 means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
 - (i) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
 - (ii) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
 - (iii) Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this Subsection, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
- (f) **High Value Farmland.** “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) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, “specified perennials” means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa;

- (iv) 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 (2)(f)(i) and (2)(f)(ii) and the following soils:
 - (aa) Subclassification Ille, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;
 - (bb) Subclassification Illw, 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.

- (v) In addition to that land described in (2)(f)(i) and (2)(f)(ii) 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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
 - (aa) Subclassification Ille, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - (bb) Subclassification Illw, specifically, Brenner and Chitwood;
 - (cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - (dd) Subclassification IVw, specifically, Coquille.

- (vi) In addition to that land described in (2)(f)(i) and (2)(f)(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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
 - (aa) Subclassification Illw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;
 - (bb) Subclassification Ille, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and
 - (cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.
- (vii) 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.”
- (g) Net Metering Power Facility. “Net metering power facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.213(1)(u) in the Exclusive Farm Use zone;
 - (ii) Is intended to offset part of the customer-generator’s requirements for energy;
 - (iii) Will operate in parallel with a utility’s existing transmission and distribution facilities;
 - (iv) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations; and
 - (v) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

- (h) **Non-Commercial/Stand Alone Power Generating Facility. “Non-commercial/stand-alone power generating facility” means a facility for the production of energy that:**
- (i) **Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and ORS 215.213(1)(u) in the Exclusive Farm Use zone;**
 - (ii) **Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;**
 - (iii) **Operates as a standalone power generator not connected to a utility grid; and**
 - (iv) **Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.**
- (i) **Relative. A child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew, or first cousin of the farm operator or the farm operator’s spouse.**

(3) Use Table

Table of Permitted Uses

Table 16.212-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the farm districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.212-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.212-1:

- (a) **Uses:**

- (i) **“A” means the use is outright allowed or permitted subject to standards.**
- (ii) **“C” means the use is a Conditional Use, subject to Section (5)**
- (iii) **“X” means use is not allowed.**
- (iv) **“HV” means when a property is predominately composed of High Value Soils, as defined in LC 16.212(2)(f).**
- (v) **“Non-HV” means when a property is predominately composed of Non-High Value Soils, as defined in LC 16.212(2)(f).**
- (b) **Procedures:**
 - (i) **“P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.**
 - (ii) **Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).**
 - (iii) **Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.**
 - (iv) **Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.**
 - (v) **“AL” means Assembly License, subject to LC 3.995.**
 - (vi) **“X” means no new use is allowed.**
- (c) **The “Subject To” column identifies any specific provisions of LC 16.212 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.212(15).**

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(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “...discretionary approval of a proposed development of land...” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.	Farm, Forest, and Natural Resource Uses					
1.1.	Farm use	A	P	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	A	P	
1.3.	Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract	A	P	A	P	
1.4.	Nonresidential buildings customarily provided in conjunction with farm use	A	P	A	P	
1.5.	Creation of, restoration of, or enhancement of wetlands	A	P	A	P	
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products as defined in ORS 603.038 within a calendar year	A	I	A	I	(4)(a)
1.7.	A facility for the primary processing of forest products	A	II	A	II	(4)(b), (5)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.8.	The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species	C	II	C	II	(4)(c), (5)
1.9.	Marijuana production	A	I	A	I	LC 16.420
1.10.	Marijuana wholesale distribution	A	I	A	I	LC 16.420
1.11.	Marijuana research	A	I	A	I	LC 16.420
1.12.	Marijuana processing	A	II	A	II	(4)(a), LC 16.420
2.	Residential Uses					
2.1.	Primary farm dwelling	A	II	A	II	(4)(z), (7)
2.2.	Woodlot operation dwelling	X	X	C	II	(4)(z), (7)(g), (7)(h), (5)
2.3.	Relative farm help dwelling	A	II	A	II	(4)(z), (8)(b)
2.4.	Accessory farm dwelling for year-round and seasonal farm workers	A	II	A	II	(4)(z), (8)(a)
2.5.	Non-farm dwelling on High Value Farmland	A	II	X	X	(4)(z), (9)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
2.6.	Non-farm dwelling on Non-high Value Farmland	X	X	A	II	(4)(z), (10)
2.7.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	A	I or II	(4)(z), (4)(cc), (6)(a)-(d)
2.8.	Replacement dwelling for historic property	A	II	A	II	(4)(z), (6)(e)
2.9.	Temporary hardship dwelling	C	II	C	II	(4)(z), (5), (8)(c)
2.10.	Residential home as defined in ORS 197.660, in existing dwellings	C	II	C	II	(4)(z), (5)
2.11.	Room and board arrangements for a maximum of five unrelated persons in existing residences	C	II	C	II	(4)(z), (5)
3.	Commercial Uses					
3.1.	Dog training classes or testing trials	A	I	A	I	(4)(d)
3.2.	Farm stand	A	I	A	I	(4)(e)
3.3.	Small Winery or Cider Business	A	I or II	A	I or II	(11)(a)
3.4.	Large Winery	A or C	I or II	A or C	I or II	(11)(b)
3.5.	Agri-tourism and other commercial events or activities that are related to and supportive of agriculture	A	II	A	II	(12)
3.6.	Parking of up to seven log trucks	C	II	C	II	(5)
3.7.	Home occupations	C	II	C	II	(4)(f), (5)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
3.8.	In-home commercial activity	A	I	A	I	(4)(g)
3.9.	Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Use 3.1	C	II	C	II	(5)
3.10.	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use	C	II	C	II	(5)
3.11.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Use 1.7, but excluding activities in conjunction with a marijuana crop	C	II	C	II	(4)(bb), (5)
4.	Mineral, Aggregate, Oil and Gas Uses					
4.1.	Operations for the exploration for and production of geothermal resources in accordance with 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 well head	A	P	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted	C	II	C	II	(5)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
4.4.	Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources	C	II	C	II	(4)(i), (5)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	II	C	II	(4)(h), (5)
4.6.	Processing of other mineral resources and other subsurface resources	C	II	C	II	(5)
5.	Transportation Uses					
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	A	P	

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	A	P	
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.10.	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	C	II	C	II	(5)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	C	II	(5)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.12.	Park and ride lots	C	II	C	II	(5)
5.13.	Railroad mainlines and branch lines	C	II	C	II	(5)
5.14.	Pipelines	C	II	C	II	(5)
5.15.	Navigation channels	C	II	C	II	(5)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	C	II	(4)(j), (5)
5.17.	Replacement of an intersection with an interchange	C	II	C	II	(4)(j), (5)
5.18.	Continuous median turn lanes	C	II	C	II	(4)(j), (5)
5.19.	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	C	II	C	II	(4)(j), (5)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	C	II	(4)(j), (5)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	C	II	C	II	(4)(k). (5)
6.	Utility/Solid Waste Disposal Facilities					

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.1.	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505	A	P	A	P	
6.2.	Land application of reclaimed water, agricultural or industrial process water or bio solids, or the onsite treatment of septage prior to land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with use allowed by LC 16.212	A	II	A	II	(4)(l)
6.3.	Utility facility service lines	A	I	A	I	(4)(m)
6.4.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	II	A	II	(4)(n)
6.5.	Transmission towers over 200 feet in height	C	II	C	II	(5)
6.6.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	C	II	(13)(a), (5)
6.7.	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(b), (5)

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16.212

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16.212

Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
P = Permitted Outright AL = Assembly License X = Prohibited						
	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.8.	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(c), (5)
6.9.	A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation not on high value farmland	X*	X*	C	II	(5); or *(4)(aa)
6.10.	Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060	X*	X*	C	II	(4)(o), (5); or *(4)(o)(ii), (4)(aa)
6.11.	Change out to an existing telecommunication tower	P	I	P	I	(16)
6.12.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	P	I	P	I	FCC 14-153
6.13.	Collocation to an existing telecommunication tower	A	II	A	II	(16)
6.14.	New telecommunication tower or replacement tower not over 200 feet in height	C	III	C	III	(4)(n)(i), (5), (16)
7.	Parks/Public/Quasi-public Uses					
7.1.	Firearms training facility in existence on September 9, 1995	A	II	A	II	(4)(p), (4)(y)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.2.	Fire service facilities providing rural fire protection services	A	P	A	P	
7.3.	Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306	A	P	A	P	
7.4.	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary	A	I	A	I	(4)(q)
7.5.	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	C	II	C	II	(5)
7.6.	Living history museum	C	II	C	II	(4)(r), (4)(y), (5)
7.7.	Armed Forces Reserve Center	A	II	A	II	(4)(s), (4)(y)
7.8.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	C	II	C	II	(4)(y), (5)
7.9.	Public parks, public playgrounds, and public campgrounds	C	II	C	II	(4)(t), (4)(y), (5)
7.10.	Operations for the extraction and bottling of water	C	II	C	II	(5)
7.11.	Churches and cemeteries in conjunction with ORS 215.441	X*	X*	A	II	(4)(y); or *(4)(y), (4)(aa)

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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.12.	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school	X*	X*	C	II	(4)(u), (4)(y), (5); or *(4)(y), (4)(aa) or *(4)(u), (4)(y), (5)
7.13.	Private parks, private playgrounds, and private campgrounds	X*	X*	C	II	(4)(v), (4)(y), (5); or *(4)(y), (4)(aa)
7.14.	Private Hunting and Fishing Preserves	X*	X*	C	II	(4)(v), (4)(y), (5); or *(4)(y), (4)(aa)
7.15.	Golf courses not on high-value farmland as defined in LC 16.212(2)(d) and ORS 195.300	X*	X*	C	II	(4)(w), (4)(y), (5); or *(4)(y), (4)(aa)
8.	Outdoor Gatherings					
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	A	P or AL (if over 1,000 persons)	LC 3.995

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Table 16.212-1: Use Table for EFU Zones						
I = Type I II = Type II III = Type III						
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	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	C	III (LCPC)	(4)(x)
9.	Accessory Uses					
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.212	A	P or II	A	P or II	(4)(cc)

(4) Use Standards

- (a) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:**
 - (i) The farm on which the farm processing facility is located must provide at least one-quarter of the farm crops processed at the facility. This provision does not apply to a poultry establishment.**
 - (ii) If a building is established or used for the farm processing facility or poultry establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.**

- (iii) A farm processing facility or poultry establishment must comply with all applicable siting standards, but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A division of a lot or parcel or a property line adjustment that separates a farm processing facility or poultry establishment from the farm operation on which it is located is prohibited.
 - (b) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
 - (c) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture. Referral notice pursuant to LC Chapter 14 must be provided at least 20 calendar days prior to a decision or initial public hearing on the application.
 - (d) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
 - (i) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - (ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
 - (e) A farm stand may be approved 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 percent of the total annual sales of the farm stand; 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 and livestock and does not include structures for banquets, public gatherings or public entertainment.
- (iii) As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
- (iv) As used in this Section, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
- (v) As used in this Section, "local agricultural area" includes Oregon.
- (vi) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
- (vii) Farm Stand Development Standards
 - (aa) Adequate off-street parking will be provided pursuant to provisions of LC 16.250.
 - (bb) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - (cc) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - (dd) No farm stand building or parking is permitted within the right-of-way.

- (ee) Approval is required from the Road Authority regarding adequate egress and access. All egress and access points shall be clearly marked.
- (ff) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within “vision clearance areas” at street intersections.
 - (A) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.
 - (B) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - (C) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
- (gg) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
- (hh) Signs are permitted consistent with LC 16.212(15)(b)(iii).
- (viii) Permit approval is subject to compliance with Lane County Environmental Health or Department of Agriculture requirements and with the development standards of this zone.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;

- (iv) **Not unreasonably interfere with other uses permitted in LC 16.212;**
- (v) **Comply with sanitation and building requirements prior to start of Home Occupation; and**
- (vi) **Not to be used as a justification for a zone change.**
- (g) **An in-home commercial activity must comply with the following requirements:**
 - (i) **Meets the criteria under (4)(f)(i), (ii), (iii), (v), and (vi);**
 - (ii) **Is operated by no more than five employees, who all reside in the single-family dwelling;**
 - (iii) **Is conducted within a dwelling;**
 - (iv) **Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage;**
 - (v) **Does not serve clients or customers on-site;**
 - (vi) **Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and**
 - (vii) **Does not include the outside storage of materials, equipment or products.**
- (h) **New facilities 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.**
- (i) **Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:**
 - (i) **A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.**
 - (ii) **A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.**

- (j) **Transportation facilities and uses shall comply with the following:**
- (i) **Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;**
 - (ii) **Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and**
 - (iii) **Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.**
- (k) **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.**
- (l) **Land application of reclaimed water, agricultural process or industrial process water or bio solids, or the onsite treatment of septage prior to the land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this paragraph, onsite treatment of septage prior to the land application of bio solids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land applicable of bio solids is authorized under the license, permit or other approval.**

- (m) Utility facility service lines 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.**
- (n) A utility facility that is necessary for public service.**

 - (i) A utility facility is necessary for public service if the facility must be sited in the Exclusive Farm Use zone in order to provide the service.**

 - (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm Use zone due to one or more of the following factors:**

 - (A) Technical and engineering feasibility;**
 - (B) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned Exclusive Farm Use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
 - (C) Lack of available urban and nonresource lands;**
 - (D) Availability of existing rights of way;**
 - (E) Public health and safety; and**
 - (F) Other requirements of state and federal agencies.**

- (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in 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.
- (cc) The owner of a utility facility approved under Section (4)(n)(i) 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 this Subsection 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.
- (dd) The County 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under Table 16.212-1 uses 7.13 or 7.14, or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (5) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request, subject to a Type II review process, shall have no effect on the original approval.
- (ff) In addition to the provisions of Subsection (4)(n)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.

- (gg) Notwithstanding Subsection (4)(n)(i)(aa) through (dd) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (hh) The provisions of Subsection (4)(n)(i)(aa) through (dd) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- (ii) In addition to the requirements in LC 16.212(4)(n)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(c), to be located on high value farmland shall comply with the requirements of (4)(n)(iii) below.
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Section (4)(n)(ii)(aa) or Section (4)(n)(ii)(bb).
- (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

 - (A) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - (B) The associated transmission line is co-located with an existing transmission line;
 - (C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - (D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.
- (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (4)(n)(ii)(cc) and (dd), two or more of the following criteria:

- (A) **Technical and engineering feasibility;**
- (B) **The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
- (C) **Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;**
- (D) **Public health and safety; or**
- (E) **Other requirements of state or federal agencies.**
- (cc) **As pertains to Section (4)(n)(ii)(bb), the applicant shall demonstrate how the proposal will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.**
- (dd) **The County may consider costs associated with any of the factors listed in Section (4)(n)(ii)(bb), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.**
- (ee) **In addition to the requirements in LC 16.212(4)(n)(i)(aa) or (bb) above, a utility facility that is an associated transmission line, as defined by ORS 215.274, to be located on high value farmland shall comply with the requirements of section (4)(n)(iii) below.**

- (iii) The utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.
- (o) Composting operations and facilities:

 - (i) Composting operations and facilities allowed on land not defined as high-value farmland must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050, 340-096-0060, and ORS 215.401. Buildings and facilities used in conjunction with the composting operation must 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. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection (4)(aa).

 - (aa) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:

 - (A) Meets the requirements of OAR 340-096-0150;
 - (B) Identifies the distance of the proposed operation to the nearest residential zone;
 - (C) Includes a complaint response protocol;
 - (D) Is submitted to the DEQ with the required permit application; and
 - (E) May be subject to annual review by the county to determine if any revisions are necessary.
 - (bb) Compost operations subject to Section (4)(o)(i)(aa) include:

- (A) A new disposal site for composting that sells, or offers for sale, resulting product; or
 - (B) An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - (C) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 - (D) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- (ii) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.
- (p) A firearms training facility in existence on September 9, 1995 shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.
- (i) For the purpose of this Section (p), a 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;

- (q) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- (r) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local 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. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65. A "living history museum" is defined as a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (s) Armed forces reserve center that complies with these requirements:
- (i) The center is within one-half mile of a community college; and
 - (ii) An "armed forces reserve center" includes an armory or National Guard support facility.
- (t) Public parks include:
- (i) Only uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable; and
 - (ii) May be established consistently with ORS 195.120

- (u) Schools are subject to the following:**
 - (i) Schools as formerly allowed pursuant to ORS 215.213 that were established on or before January 1, 2009 may be expanded if the expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.**
 - (ii) Are used primarily for residents of the rural area in which the school is located.**
- (v) Private Campgrounds are subject to the following:**
 - (i) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.**
 - (ii) A campground 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 or other natural features between campsites.**
 - (iii) Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.**
 - (iv) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.**
 - (v) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (vi).**
 - (vi) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.**
- (w) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:**

- (i) **An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;**
- (ii) **Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and**
- (iii) **Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.**
- (iv) **An existing golf course may be expanded consistent with the requirements of Section (5), but shall not be expanded to contain more than 36 total holes.**
- (x) **Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:**
 - (i) **The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;**
 - (ii) **The proposed gathering is compatible with existing land uses;**

- (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
 - (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (y) Three-mile setback. For uses subject to this Subsection:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.
 - (iii) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Chapter.
- (z) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (aa) Expansion standards. Existing facilities wholly within the Exclusive Farm Use Zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.
- (bb) Commercial activities in conjunction with farm use may be approved when the commercial activity:
 - (i) Is either exclusively or primarily a customer or supplier of farm uses.

- (ii) **Is limited to providing products and services essential to the practice of agriculture directly to surrounding agricultural businesses that are sufficiently important to justify the resulting loss of agricultural land.**
- (iii) **Enhances the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.**
- (cc) **If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.212(15)(a). For the purpose of LC 16.212(4)(cc), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.**

(5) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.212-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) **The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
- (b) **The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

(6) Alteration, Restoration or Replacement of a Lawfully-Established Dwelling

- (a) **A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the approval authority finds to its satisfaction, based on substantial evidence that:**
 - (i) **The dwelling to be altered, restored or replaced has, or formerly had:**
 - (aa) **Intact exterior walls and roof structure;**
 - (bb) **Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
 - (cc) **Interior wiring for interior lights; and**
 - (dd) **A heating system.**

- (ii) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for:
 - (aa) The previous five property tax years; or
 - (bb) If the dwelling was constructed within the last five years, the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.
 - (cc) Notwithstanding (ii)(aa) and (bb) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 - (A) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - (B) The applicant establishes to the satisfaction of the approval authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
- (b) For replacement of a lawfully established dwelling under this section:
 - (i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - (aa) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - (bb) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

- (cc) **If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.**
 - (ii) **The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished, or converted.**
 - (iii) **As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the Planning Director, or the Director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.213 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.**
- (c) **A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**
 - (i) **The siting standards of Subsection (6)(c)(ii) apply when a dwelling qualifies for replacement because the dwelling:**
 - (aa) **Formerly had the features described in Subsection (6)(a)(i); or**
 - (bb) **Was removed from the tax roll as described in Subsection(6)(a)(iii).**
 - (ii) **The replacement dwelling must be sited on the same lot or parcel:**
 - (aa) **Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and**
 - (bb) **If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.**

- (iii) Replacement dwellings that currently have the features described in Subsection (6)(a)(i) and that have been on the tax roll as described in Subsection (6)(a)(ii)(cc) may be sited on any part of the same lot or parcel.
- (d) A replacement dwelling permit that is issued under Use 2.7:
 - (i) Is a land use decision and subject to review using Type II procedure according to LC Chapter 14 where the dwelling to be replaced:
 - (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection (6)(a)(ii)(cc);
 - (ii) Is not subject to the time to act limits of LC 14.090 and does not expire; and
- (e) A replacement dwelling for a historic dwelling permit reviewed under Use 2.8 is subject to the following requirements:
 - (i) The replacement dwelling must be in conjunction with a farm use.
 - (ii) The existing dwelling is listed on the county and national inventory as historic property as defined in ORS 358.480.

(7) Dwellings Customarily Provided in Conjunction with Farm Use

- (a) Large Tract Standards. On land not identified as high-value farmland as defined in LC 16.212(2), a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The parcel on which the dwelling will be located is at least 160 acres.
 - (ii) The subject tract is currently employed for farm use.
 - (iii) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - (iv) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

- (b) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:**
- (i) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farms products and:**
 - (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;**
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(b)(i); and**
 - (iv) In determining the gross income required by Section (7)(b)(i):**
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;**
 - (bb) Only gross income from land owned, not leased or rented, shall be counted; and**
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.**
 - (v) The lot or parcel is not smaller than the minimum lot size of the zone.**
- (c) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:**

- (i) The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
- (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
- (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(c)(i);
- (iv) In determining the gross income required by Section (7)(c)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (bb) Only gross income from land owned, not leased or rented, shall be counted; and
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- (v) The lot or parcel is not smaller than the minimum lot size of the zone.
- (d) Additional Farm Income Standards.
 - (i) For the purpose of Sections (7)(b) or (7)(c), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

- (ii) **Prior to the final approval for a dwelling authorized by Sections (7)(b) and (7)(c) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the County clerk the covenants, conditions, and restrictions form provided by the County (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:**

 - (aa) **All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and**
 - (bb) **The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.**
- (iii) **The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the County or counties where the property subject to the covenants, conditions and restrictions is located.**
- (e) **Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Sections (7)(b) or (7)(c) above, subject to the following requirements:**

 - (i) **The subject tract will be employed as a commercial dairy as defined in Subsection (vii);**
 - (ii) **The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;**
 - (iii) **Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;**
 - (iv) **The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;**

- (v) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
- (vi) The Oregon Department of Agriculture has approved the following:
 - (aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (bb) A Producer License for the sale of dairy products under ORS 621.072.
- (vii) As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (7)(b) or (7)(c), whichever is applicable, from the sale of fluid milk.
- (f) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (7)(b) or (7)(c), whichever is applicable;
 - (ii) The subject lot or parcel on which the dwelling will be located is:
 - (aa) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (7)(b) or (7)(c), whichever is applicable; and
 - (bb) The lot or parcel is not smaller than the minimum lot size of the zone.
 - (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - (iv) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (7)(f)(i); and
 - (v) In determining the gross income required by Subsection (7)(f)(i) and Subsection (7)(f)(ii):

- (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (bb) Only gross income from land owned, not leased or rented, shall be counted.
- (g) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling under Section (7).
- (h) Woodlot Operation Dwelling
 - (i) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:
 - (aa) If the farm operation or woodlot:
 - (A) Consists of 20 or more acres; and
 - (B) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;
 - (bb) The dwelling is located on land not identified as high-value farmland.
 - (ii) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than required under (i) above is allowed subject to compliance with the following requirements:
 - (aa) If the farm operation or woodlot:
 - (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or
 - (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income;

- (bb) The dwelling is located on land not identified as high-value farmland.

(8) Accessory Dwellings

- (a) Accessory farm dwelling for year-round and seasonal farm workers.
 - (i) Accessory dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
 - (aa) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
 - (bb) The accessory farm dwelling will be located:
 - (A) On the same lot or parcel as the primary farm dwelling;
 - (B) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - (C) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;

- (D) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The County shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278, meaning housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing; or
- (E) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in Lane Code 16.212(7)(b) or (c), whichever is applicable; and
- (cc) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.
- (ii) In addition to the requirements in Subsection (i), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 - (aa) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

- (A) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (B) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- (bb) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
- (cc) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or woodlot that meets the standards of LC 16.212(7)(h); or
- (dd) It is located on a commercial dairy farm as defined in Section (7)(e)(vii); and
- (A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
 - (B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (C) A Producer License for the sale of dairy products under ORS 621.072.

- (iii) **No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this Chapter, a parcel may be created consistent with the minimum parcel size requirements in Subsection (14)(a).**
 - (iv) **An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to uses 2.5 or 2.6 in Table 16.212-1 of this Chapter.**
 - (v) **For purposes of this Subsection, "accessory dwelling" includes all types of residential structures allowed by the applicable state building code.**
 - (vi) **Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria of an accessory farm dwelling.**
- (b) To qualify for a relative farm help dwelling:**
 - (i) **A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.**
 - (ii) **A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.**
- (c) A temporary hardship dwelling is subject to the following:**
 - (i) **One manufactured dwelling, or one recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**

- (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle must be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
- (ii) A temporary residence approved under this Section is not eligible for replacement under Section (6). Department of Environmental Quality review and removal requirements also apply.
 - (iii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

(9) Dwellings Not in Conjunction with Farm Use on High Value Farmland

Non-farm dwelling. A non-farm dwelling on High Value Farmland is subject to the following requirements:

- (a) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

- (iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.090;
- (iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:
 - (aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;
 - (bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under Use 2.5 or 2.6 in Table 16.212-1 of this Chapter, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under Sections (14)(e). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings ;

- (cc) Determine whether the approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;
- (v) The dwelling complies with such other conditions as the approval authority considers necessary; and
- (vi) Land use approval of a permit described in Section (9)(a) shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval may be made and approved pursuant to LC 14.700(2).
- (b) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The following are satisfied:
 - (aa) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, in the case of an existing lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

- (bb) A lot or parcel shall not be considered “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
- (cc) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;
- (iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in subsections (9)(a)(iv)(aa) through (cc);
- (iv) The dwelling complies with such other conditions as the approval authority considers necessary; and

- (v) Land use approval of a permit described in (9)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval may be made and approved pursuant to LC 14.700(2).

(10) Dwellings Not in Conjunction with Farm Use on Non-High Value Farmland.

Non-farm dwelling. A non-farm dwelling on Non-high Value Farmland is subject to the following requirements:

- (a) A dwelling not provided in conjunction with farm use may be established on a lot or parcel, subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983; and
 - (iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.
- (b) The dwelling shall comply with such other conditions as the approval authority considers necessary. A dwelling not provided in conjunction with a farm use, on a lot or parcel that is not larger than three acres is subject to the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

- (ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;
- (iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.090. For the purpose of this Section, only one lot or parcel exists if:

 - (aa) The lot or parcel is contiguous to one or more lots or parcels described in this Section.

 - (A) "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road."
 - (bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common; and
 - (iv) Notice of application shall occur in compliance with LC Chapter 14.
- (c) Land use approval of a permit described in Section (10)(a) or (10)(b) shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in this Section may be made and approved pursuant to LC 14.700(2).
- (d) No final approval of a nonfarm use under this section will be given unless any additional taxes imposed upon the change in use have been paid.
- (e) The dwelling must comply with other conditions considered necessary by the approval authority.

(11) Wineries and Cider Businesses

- (a) **Small Wineries and Cider Businesses. Small wineries and cider business and their accessory uses are subject to the Type I procedure unless otherwise specified in this section. Small winery and cider businesses are separate uses to which distinct criteria and permitted uses apply and must not be used interchangeably.**
- (i) **A small winery or cider business may be established as a permitted use if the proposed winery or cider business will produce wine or cider, respectively, on-site with a maximum annual production of:**
- (aa) **Less than 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery or cider business:**
- (A) **Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres;**
- (B) **Owns a contiguous vineyard for a winery or orchard for a cider business of at least 15 acres;**
- (C) **Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 15 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business; or**
- (D) **Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), or (C); or**
- (bb) **At least 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery:**
- (A) **Owns an on-site vineyard for a winery or orchard for a cider business of at least 40 acres;**
- (B) **Owns a contiguous vineyard for a winery or orchard for a cider business of at least 40 acres;**

- (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 40 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business;
 - (D) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards for a winery or orchards for a cider business in Oregon that are located within 15 miles of the winery or cider business site; or
 - (E) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), (C) or (D).
- (ii) In addition to producing and distributing wine by a winery or cider by a cider business, a small winery or cider business established under this Section may:
- (aa) Market and sell wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, including:
 - (A) Wine or cider tastings in a tasting room or other location on the premises occupied by the winery for wine tastings or cider business for cider tastings;
 - (B) Wine for winery or cider for cider business club activities;
 - (C) Winemaker for winery or cidemaker for cider business luncheons and dinners;
 - (D) Winery and vineyard tours or cider business and orchard tours;

- (E) Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine or cider industry members;
 - (F) Winery or cider business staff activities;
 - (G) Open house promotions of wine produced in conjunction with the winery or cider produced in conjunction with the cider business; and
 - (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of wine for a winery or cider for a cider business, including food and beverages:
- (A) Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(a)(ii)(bb) or (a)(ii)(dd), or (a)(v).
- (dd) Host charitable activities for which the winery or cider business does not charge a facility rental fee.
- (iii) A winery or cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection (11)(a)(ii)(cc). Food and beverage services authorized under Subsection (11)(a)(ii)(cc) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

- (iv) **The gross income of the winery or cider business from the sale of incidental items or services provided pursuant to Subsection (11)(a)(ii)(cc) to (dd) and (11)(a)(v) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery or cider produced in conjunction with the cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the County, the winery or cider business shall submit a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this Subsection for the previous tax year.**

- (v) **A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery, pursuant to Subsection (aa) or (bb) below:**
 - (aa) **The events on days one (1) through six (6) of the 18-day limit per calendar year must be authorized by the approval authority through the issuance of a renewable multi-year Winery or Cider Business License that:**
 - (A) **Is reviewed through a Type I procedure to determine necessary conditions pursuant to Section (11)(a)(vi) below;**
 - (B) **Has a term of five years;**
 - (C) **If the County issues a license under this subsection, the County must review the license at least once every five years and, if appropriate, renew the license; and**
 - (D) **Complies with requirements of Section (11)(a)(vi) below.**
 - (E) **This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.**
 - (bb) **Events on days seven (7) through 18 of the 18-day limit per calendar year must be authorized by the County through the issuance of a renewable multi-year permit that:**

- (A) Is subject to a Type II procedure and must be reviewed to determine necessary conditions pursuant to Section (11)(a)(vi);
 - (B) Has a term of five years;
 - (C) If the Director issues a permit under this subsection, the Director must review the permit at least once every five years and, if appropriate, may renew the permit; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.
- (vi) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery or cider business are subordinate to the production and sale of wine at a winery or cider at a cider business and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions on a permit related to:
- (aa) The number of event attendees;
 - (bb) The hours of event operation;
 - (cc) Access and parking;
 - (dd) Traffic management;
 - (ee) Noise management; and
 - (ff) Sanitation and solid waste;
- (vii) A winery or cider business operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established or cider business is situated.
- (viii) Prior to the issuance of a permit to establish a winery or cider business under Section (11)(a), the applicant shall show that vineyards for a winery or orchard for a cider business described in Section (11)(a) have been planted or that the contract has been executed, as applicable.

- (ix) For the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands, the winery or cider business must:

 - (aa) Establish a setback of at least 100 feet from all property lines for the winery or cider business and all public gathering places, unless the Director grants a variance allowing a setback of less than 100 feet; and
 - (bb) Provide direct road access and internal circulation for the winery or cider business and other on-site public gathering places
- (b) Large Wineries. Large wineries and their accessory uses are subject to the Type I procedure unless otherwise specified in this section.

 - (i) A large winery may be established if:

 - (aa) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (bb) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection (11)(b)(i)(aa); and
 - (cc) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
 - (ii) In addition to producing and distributing wine, a winery described in Subsection (11)(b)(i) may:

 - (aa) Market and sell wine produced in conjunction with the winery;
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (B) Wine club activities;

- (C) Winemaker luncheons and dinners;
- (D) Winery and vineyard tours;
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
- (F) Winery staff activities;
- (G) Open house promotions of wine produced in conjunction with the winery; and
- (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
 - (A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(b)(ii)(bb), (dd), or (ee);
- (dd) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
 - (A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (B) Are incidental to the retail sale of wine on-site; and
 - (C) Are limited to 25 days or fewer in a calendar year; and
- (ee) Host charitable activities for which the winery does not charge a facility rental fee.

- (iii) Income requirements:**
 - (aa) The gross income of the winery from the sale of incidental items pursuant to Subsection (11)(b)(ii)(cc) and services provided pursuant to Subsection (11)(b)(ii)(dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.**
 - (bb) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant that certifies compliance with Subsection (aa) for the previous tax year.**
- (iv) A winery operating under Subsection (11)(b):**
 - (aa) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.**
 - (bb) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.**
- (v) A winery shall be required to obtain a Type II permit when:**
 - (aa) The winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection (11)(b)(ii)(dd) occurring on more than 25 days in a calendar year.**
 - (bb) In addition to any other requirements, a local government may approve a permit application under this Subsection if the approval authority finds that the authorized activity:**
 - (A) Complies with the standards described in Sections (5)(a) and (5)(b);**
 - (B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and**
 - (C) Does not materially alter the stability of the land use pattern in the area.**

- (cc) If the local government issues a permit under this Section for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
- (vi) A winery operating under Section (11)(b) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the winery received a permit in similar circumstances before August 2, 2011.
- (vii) A person may not have a substantial ownership interest in more than one winery operating a restaurant authorized in Section (11)(b).
- (viii) Prior to the issuance of a permit to establish a winery under Section (11)(b), the applicant shall show that vineyards described in Section (11)(b)(i) have been planted.
- (ix) A winery operating under Subsection (b) shall provide for:

 - (aa) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - (bb) Direct road access and internal circulation.
- (c) As used in Section (11):

 - (i) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - (ii) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(12) Agri-tourism and Other Commercial Events

- (a) **Six or Fewer Events.** Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved. The approval is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The six or fewer agri-tourism or other commercial events or activities must meet local standards and:

- (i) Be incidental and subordinate to existing farm use on the tract;
 - (ii) Not, individually, exceed a duration of 72 consecutive hours; and
 - (iii) Comply with Section (12)(c) below.
- (b) Seven to 18 Events. Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with (12)(a) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The seven to 18 agri-tourism or other commercial events or activities must comply with local standards and:
 - (i) Be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - (ii) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - (iii) Not exceed 18 events or activities in a calendar year; and
 - (iv) Comply with Section (12)(c) below.
- (c) All agri-tourism or other commercial events or activities described in (12)(a) and (12)(b) above must:
 - (i) Not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 - (ii) Comply with Section (5)(a) and (b) Conditional Use Criteria;
 - (iii) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and
 - (iv) Must comply with conditions established for:
 - (aa) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

- (bb) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - (cc) The location of access and egress and parking facilities to be used in conjunction with the agri-tourism or other commercial events or activities;
 - (dd) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - (ee) Sanitation and solid waste.
 - (v) The approval authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under (12)(a) or (12)(b). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The County may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under (12)(a) or (12)(b), including, but not limited to, grading, filling or paving.
 - (vi) Agri-tourism or other commercial events or activities authorized under this section shall not be allowed at a winery which conducts agri-tourism or other commercial events or activities authorized under Sections (11)(a)(v)-(vi) or (11)(b)(v) or (11)(b)(ii)(dd).
 - (vii) Event or activities authorized under this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(a), do not include agri-tourism or other commercial events and activities.
 - (d) Expiration of Agri-Tourism Approvals
 - (i) Approvals issued pursuant to (12)(a) shall be valid for two years from the date of the approval, and may be renewed for an additional two years subject to:
 - (aa) An application for renewal; and

(bb) Demonstration of compliance with the provisions of Section (12)(a) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(ii) Approvals issued pursuant to (12)(b) shall be valid for four years from the date of the approval. If continued, the permit holder must submit an application for renewal at four year intervals. Upon receipt of a request for renewal, the Director must:

(aa) Issue public notice and an opportunity for public comment as part of the review process according to LC Chapter 14; and

(bb) Limit review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Section (12)(b).

(13) Commercial Facilities for Generating Power

(a) Commercial Power Generating Facility.

(i) Permanent features of a power generation facility shall not preclude more than:

(aa) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or

(bb) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(ii) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.

(iii) **Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504(b).**

(b) Wind Power Generation Facility.

(i) **For purposes of this Chapter, a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.**

(aa) **Temporary workforce housing described in Section (13)(a)(ii) must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete.**

(bb) **Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.**

(ii) **For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the County must find that all of the following are satisfied:**

(aa) **Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:**

(A) **Technical and engineering feasibility;**

(B) **Availability of existing rights of way; and**

- (C) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (bb);
- (bb) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
- (cc) Costs associated with any of the factors listed in Subsection (aa) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
- (dd) The owner of a wind power generation facility approved under Subsection (ii) 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 this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
- (ee) The criteria of Subsection (iii) are satisfied.
- (iii) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

- (aa) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 - (bb) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- (iv) For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection (13)(b)(iii)(dd) are satisfied.

- (v) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (13)(b)(iii) and (iv), the approval criteria of Subsection (13)(b)(iii) shall apply to the entire project.
- (c) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

 - (i) “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
 - (ii) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of the land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
 - (iii) “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
 - (iv) “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

- (v) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1,320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
- (vi) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
- (aa) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

- (bb) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and County approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;**
- (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and County approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;**
- (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and County approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;**
- (ee) The project is not located on high-value farmland soils unless it can be demonstrated that:**

 - (A) Non high-value farmland soils are not available on the subject tract;**
 - (B) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or**

- (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and
- (ff) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

 - (A) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
 - (B) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the Director or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- (vii) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:

 - (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

- (A) Nonarable soils are not available on the subject tract;
 - (B) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
- (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
- (cc) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- (A) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
 - (B) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(dd) The requirements of Subsections (13)(c)(vi)(aa), (bb), (cc), and (dd) are satisfied.

(viii) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:

(aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(A) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(B) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(cc) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

(dd) The requirements of Subsection (13)(c)(vi)(dd) are satisfied;

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- (ee) **If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the County's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the County, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing Chapters and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the County is responsible for determining appropriate mitigation measures; and**

(ff) **If a proposed photovoltaic solar power generation facility is located on lands where, after the site specific consultation with an Oregon Department of Fish and Wildlife biologist, if it determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or habitat or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or to wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the County is responsible for determining appropriate mitigation, if any, required for the facility.**

(gg) **The provisions of Subsection (13)(c)(viii)(ff) are repealed on January 1, 2022.**

(ix) **The project owner shall sign and record at Lane County Deeds & Records a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).**

(x) **Nothing in this Section shall prevent the County from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.**

(14) Land Divisions

- (a) Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with Section (14).**

- (b) The minimum area shall be:**
 - (i) E-25: 25 acres**
 - (ii) E-30: 30 acres**
 - (iii) E-40: 40 acres**
 - (iv) E-60: 60 acres**

- (c) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:**
 - (i) Land preparation.**
 - (ii) Ripping and plowing.**
 - (iii) Fencing.**
 - (iv) Surveying.**
 - (v) Crop cultivation.**
 - (vi) Irrigation.**
 - (vii) Herbicide; fungicide and/or fertilizer application.**
 - (viii) Machinery.**
 - (ix) Accessory farm buildings.**
 - (x) Breeding and livestock raising concerns.**
 - (xi) Labor.**

- (xii) Projected expenses associated with the above.
- (xiii) Date by which the farm management plan would be substantially implemented.
- (d) A division of land to accommodate a Conditional Use as permitted by in Table 16.212-1 of this Chapter, except a residential use, smaller than the minimum parcel size provided in Subsection (a) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by (14)(b) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:
 - (i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;
 - (ii) The non-farm dwellings shall comply with the requirements in (9) or (10)(a) above;
 - (iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.090;
 - (iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in (14)(b) above;
 - (v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in (14)(b) above;
 - (vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

- (vii) **The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and**
- (viii) **The dwelling complies with such other conditions as the approval authority considers necessary.**
- (f) **For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:**
 - (i) **The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;**
 - (ii) **The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.090;**
 - (iii) **The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by (14)(b) above but equal to or larger than 40 acres;**
 - (iv) **The parcels for the non-farm dwellings are:**
 - (aa) **Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and**
 - (bb) **Composed of at least 90 percent Class VI through VIII soils;**
 - (v) **The parcels for the non-farm dwellings do not have established water rights for irrigation;**
 - (vi) **The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;**

- (vii) The non-farm dwellings shall comply with LC 16.212(9);
- (viii) The non-farm dwellings shall comply with LC 16.212(5)(a) and (b);
- (ix) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and
- (x) The dwelling complies with other conditions considered necessary by the approval authority;
- (g) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:
 - (i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with the farm use;
 - (ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:
 - (aa) Is equal to or larger than the minimum size required by (14)(a) above;
 - (bb) Is not stocked to the requirements under ORS 527.610 through 527.770;
 - (cc) Is composed of at least 95 percent Class VI through VIII soils;
 - (dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and
 - (ee) The new lot or parcel will not be smaller than 20 acres;
 - (iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in Sections (9) and (10); and

- (iv) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236.
- (h) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- (i) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- (j) This Section does not allow a division or property line adjustment of a lot or parcel that separates uses 2.3, 2.9, or 3.7 in Table 16.212-1 of this Chapter.
- (k) This Section does not allow a division of a lot or parcel that separates a processing facility from the farm operation specified as use 1.6 in Table 16.212-1 of this Chapter.
- (l) A division of land may be permitted to create a parcel with an existing dwelling to be used:

 - (i) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section (9) or (10)(a); and
 - (ii) For historic property that meets the requirements of use 2.8 in Table 16.212-1 of this Chapter.
- (m) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b),

 - (i) A division of land may be approved provided:

 - (aa) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - (bb) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

- (cc) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner’s successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
 - (ii) A parcel created pursuant to this Subsection that does not contain a dwelling:
 - (aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (bb) May not be considered in approving or denying an application for siting any other dwelling;
 - (cc) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - (dd) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
 - (n) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b), a division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:
 - (i) The church has been approved as use 7.11 of Table 16.212-1;
 - (ii) The newly created lot or parcel is not larger than five acres;
 - (iii) The new parcel for the church shall meet the minimum size in (14)(a) either by itself or after it is consolidated with another lot or parcel.

- (o) **Notwithstanding the minimum lot or parcel size described Subsection (14)(a), a division for a fire service facility provided in use 7.2 of Table 16.212-1, if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.**
- (p) **A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:**

 - (i) **The portion of the parcel within the UGB has been redesignated for urban uses under the applicable acknowledged comprehensive plan; and**
 - (ii) **The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to (14)(b) above; and**
 - (iii) **The parcel must be divided along the UGB boundary line; and**
 - (iv) **If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.**
 - (v) **If the parcel outside of the UGB does not contain a dwelling, the parcel:**

 - (aa) **Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;**
 - (bb) **May not be considered in approving or denying an application for any other dwelling; and**
 - (cc) **May not be considered in approving a redesignation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.**
 - (vi) **A landowner allowed a land division under (14)(p) shall sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.397.**
- (q) **Divisions under (14)(b) and (14)(c) shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of (6), (7) or (8) above for a dwelling are met.**

- (r) The governing body may not approve a division of land for nonfarm use under Subsection (d), (e), (f), (g), (l), (m), (n), or (o) unless any additional tax imposed for the change in use has been paid.
- (s) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- (t) The Director or its designate may not approve a land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to subsection (14)(g).
- (u) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or bio solids as provided Section 6.2 of Table 16.212-1.

(15) Development Standards

All uses or activities allowed by LC 16.212 must comply with the requirements in Section (15)(b). Uses or activities allowed by LC 16.212, except farm use, must comply with the requirements in LC 16.212(15)(a) and (b).

- (a) For approval of a use or activity allowed by LC 16.212 that requires a Type II or Type III review, the Approval Authority must balance the setback requirements of LC 16.212(15)(b) with the applicable approval standards of LC 16.212(3) and (6) through (14) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.
 - (i) Dwellings and development accessory to residential uses to be siting upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as “Major” must be sited as follows:
 - (aa) Near dwellings on other tracts.
 - (bb) With minimal intrusion into forest areas undeveloped by non-forest uses.
 - (cc) Where possible, when considering LC 16.212(15)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

- (ii) **Dwellings and development accessory to residential uses to be sited upon all of tracts must be sited as follows:**

 - (aa) **Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.**
 - (bb) **On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.**
- (b) **All uses, activities, and structures allowed by LC 16.212 must comply with:**

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

 - (aa) **20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and**
 - (bb) **10 feet from all other property lines except as provided below.**
 - (ii) **Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a Riparian Modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.**
 - (iii) **Signs.**

 - (aa) **Signs cannot extend over a public right-of-way or project beyond the property line.**
 - (bb) **Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.**
 - (cc) **Signs are limited to 200 square feet in area.**

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(16) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of Section (15), LC 16.264, and with applicable requirements elsewhere in LC Chapter 16.

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**PAGES 16-211 THROUGH 16-213
ARE RESERVED FOR FUTURE EXPANSION**

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

ML Zone Table of Contents

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16.214 Marginal Lands Zone (ML-RCP)

(1) Purpose

The purpose of the Marginal Lands Zone (ML) is to provide an alternative to more restrictive farm and forest zoning; provide opportunities for persons to live in a rural environment and to conduct farm or forest operations. The ML Zone is applied to specific properties consistent with the requirements of ORS 197.247 (1991 Edition), ORS 215.317, ORS 215.327 (2017 Edition), and the policies of the Lane County Rural Comprehensive Plan.

(2) Use Table

Table of Permitted Uses

Table 16.214-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the marginal lands districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table 16.214-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in LC 16.214.

As used in Table 16.214-1:

- (a) Uses:**
 - (i) “A” means the use is outright allowed or permitted subject to standards.**
 - (ii) “C” means the use is a Conditional Use, subject to Section (4).**
- (b) Procedures:**
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this chapter of Lane Code.**
 - (ii) “AL” means Assembly License, subject to LC 3.995.**
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.**
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.**
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.**
- (c) The “Subject To” column identifies any specific provisions of LC 16.214 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.214(7)**

Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Farm, Forest, and Natural Resource Uses			
1.1.	Intensive farm or forest operations, including but not limited to “farm use” as defined in LC 16.090	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	
1.3.	Part-time farms	A	P	

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.4.	Woodlots	A	P	
1.5.	Nonresidential buildings customarily provided in conjunction with farm use	A	I	
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products within a calendar year	C	II	(3)(b), (4)
1.7.	A facility for the primary processing of forest products	C	II	(3)(c), (4)
1.8.	Marijuana production	A	I	LC 16.420
1.9.	Marijuana wholesale distribution	A	I	LC 16.420
1.10.	Marijuana research	A	I	LC 16.420
2.	Residential Uses			
2.1.	Dwelling on a vacant lot or parcel created before July 1, 1983	A	P	(3)(a), (3)(n)
2.2.	Dwelling on a vacant lot or parcel created pursuant to LC 16.214(6)	A	P	(3)(n)
2.3.	Temporary hardship dwelling	A	P	(3)(n), (3)(o)
3.	Commercial Uses			
3.1.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(e)
3.2.	Home occupation	C	II	(3)(d), (4)

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.3.	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use	C	II	(4), LC 16.212(5)
3.4.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use under Use 1.1, but excluding activities in conjunction with a marijuana crop	C	II	(4)
3.5.	Marijuana processing	C	II	LC 16.420, (3)(b), (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Operations for the exploration of geothermal resources as defined by ORS 522.005	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted	C	III	(4)
4.4.	Operations for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources	C	III	(3)(g), (4)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	III	(3)(f), (4)
4.6.	Processing of other mineral resources and other subsurface resources	C	III	(4)

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.7.	Changes in the frequency of transit, rail and airport services	A	P	
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	A	P	
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	A	P	
5.10.	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	C	II	(4)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.12.	Park and ride lots	C	II	(4)
5.13.	Railroad mainlines and branch lines	C	II	(4)
5.14.	Pipelines	C	II	(4)
5.15.	Navigation channels	C	II	(4)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(h), (4)
5.17.	Replacement of an intersection with an interchange	C	II	(3)(h), (4)
5.18.	Continuous median turn lanes	C	II	(3)(h), (4)

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.19.	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	C	II	(3)(h), (4)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(h), (4)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	A	I	(3)(i)
6.	Utility/Solid Waste Disposal Facilities			
6.1.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	I	(3)(j)
6.2.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	(5), (4)
6.3.	A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation	C	II	(4)
6.4.	Changeout to an existing telecommunication tower	A	I	(8)

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.5.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	FCC 14-153
6.6.	Collocation to an existing telecommunication tower	A	II	(8)
6.7.	New telecommunications tower or replacement tower	C	III	(4), (8)
7.	Parks/Public/Quasi-public Uses			
7.1.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	A	P	
7.2.	Public parks, public playgrounds, and public campgrounds	A	I	
7.3.	Churches	A	P	
7.4.	Public or private schools, including all buildings essential to the operation of a school	A	P	
7.5.	Private parks, private playgrounds	A	P	
7.6.	Private campground	C	II	(3)(k), (3)(q), (4)
7.7.	Golf courses	C	II	(3)(l), (3)(q), (4)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995

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Table 16.214-1: Use Table for ML Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(m)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.214.	A	P	

(3) Use Standards

- (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.**
- (b) A farm_processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:**
 - (i) The farm on which the facility or establishment is located must provide at least one-quarter of the farm crops processed at the facility.**

- (ii) **If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.**
 - (iii) **A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.**
 - (iv) **A county may not approve any division of a lot or parcel or a property line adjustment that separates a processing facility or establishment from the farm operation on which it is located.**
- (c) **A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.**
- (d) **Home occupation must:**
 - (i) **Be operated by a resident or employee of a resident of the property on which the business is located;**
 - (ii) **Employ on the site no more than five full-time or part-time persons at any given time;**
 - (iii) **Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the ML Zone;**
 - (iv) **Not unreasonably interfere with other uses permitted in the zone in which the property is located;**
 - (v) **Comply with sanitation and building code requirements prior to start of Home Occupations; and**
 - (vi) **Not be used as justification for a zone change.**

- (e) An in-home commercial activity must comply with the following requirements:**
 - (i) Meets the criteria under (3)(d)(i), (ii), (iii), (v), and (vi);**
 - (ii) Is operated by no more than five employees, who all reside in the single-family dwelling;**
 - (iii) Is conducted within a dwelling;**
 - (iv) Does not occupy more than 25% of the combined floor area of the dwelling, including attached garage;**
 - (v) Does not serve clients or customers on-site;**
 - (vi) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage; and**
 - (vii) Does not include the outside storage of materials, equipment; or products.**
- (f) New facilities 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.**
- (g) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:**
 - (i) A land use permit is required for mining more than 1,000 cubic yards of martial or excavation preparatory to mining of a surface area of more than one acre.**
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.**
- (h) Transportation facilities and uses shall comply with the following:**

- (i) **Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;**
- (ii) **Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and**
- (iii) **Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.**
- (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.**
- (j) **A utility facility that is necessary for public service.**

 - (i) **A utility facility is necessary for public service if the facility must be sited in the marginal lands zone in order to provide the service.**

 - (aa) **To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an marginal lands zone due to one or more of the following factors:**

 - (i) **Technical and engineering feasibility;**
 - (ii) **The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for marginal land in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**

- (iii) **Lack of available urban and nonresource lands;**
- (iv) **Availability of existing rights of way;**
- (v) **Public health and safety; and**
- (vi) **Other requirements of state and federal agencies.**
- (bb) **Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in 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.**
- (cc) **The owner of a utility facility approved under Subsection (i) 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 this Subsection 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.**
- (dd) **The county 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.**
- (ee) **Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the ML Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (4) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.**

- (ff) In addition to the provisions of Subsection (3)(j)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.**
- (gg) In addition to the requirements in LC 16.214(3)(j)(i)(aa) through (ff) above, a utility facility that is a telecommunication facility shall comply with LC 16.264;**
- (hh) In addition to the requirements in LC 16.214(3)(j)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and**
- (ii) The provisions of Subsection (i) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.**
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (aa) or Subsection (bb) of this Subsection.**

 - (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:**

 - (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;**
 - (ii) The associated transmission line is co-located with an existing transmission line;**
 - (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or**
 - (iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.**

- (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (3)(j)(ii)(cc) and (dd), two or more of the following criteria:**

 - (i) Technical and engineering feasibility;**
 - (ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
 - (iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;**
 - (iv) Public health and safety; or**
 - (v) Other requirements of state or federal agencies.**
- (cc) As pertains to Subsection (bb), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.**
- (dd) The county may consider costs associated with any of the factors listed in section (3)(j)(ii)(bb) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.**
- (k) Private Campgrounds are subject to the following:**

- (i) **Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground 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 or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.**
- (ii) **Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (iii).**
- (iii) **A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.**
- (l) **Accessory uses provided as part of a golf course shall be limited consistent with the following standards:**
 - (i) **An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;**

- (ii) **Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and**
- (iii) **Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.**
- (m) **Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:**

 - (i) **The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;**
 - (ii) **The proposed gathering is compatible with existing land uses;**
 - (iii) **The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and**
 - (iv) **The provisions of ORS 433.755 shall apply to the proposed gathering.**
- (n) **Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**
- (o) **A temporary hardship dwelling is subject to the following:**

 - (i) **One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**

- (aa) **The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;**
 - (bb) **Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and**
 - (cc) **Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.**
- (ii) **As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.**
- (p) **Three-mile setback. For uses subject to this Section:**
 - (i) **No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.**
 - (ii) **Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract that is in existence as of June 17, 2010.**
 - (iii) **Existing facilities wholly within the marginal lands zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structure within the marginal lands zone may not be expanded beyond the requirements of (3)(q).**

(4) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.214-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and**
- (b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may 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 roads; and to any other relevant impact of the use.)**
- (c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.**
- (d) Will not create a hazardous natural condition such as erosion, landside, flooding.**

(5) Commercial Facilities for Generating Power

- (a) Permanent features of a power generation facility shall not preclude more than:
 - (i) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or**
 - (ii) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.****
- (b) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.**

- (c) **Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504.**

(6) Land Divisions

Land in a Marginal Land zone may be divided as follows:

- (a) **Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F- 1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197 (1991 Edition).**
- (b) **Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197 (1991 Edition).**
- (c) **A parcel of any size necessary to accommodate any of the nonresidential uses listed below:**
 - (i) **Use 6.1. Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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.**
 - (ii) **Use 6.2. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.**
 - (iii) **Use 6.3. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation not on high value farmland.**
 - (iv) **Use 7.1. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.**
 - (v) **Use 7.3. Churches and cemeteries in conjunction with churches.**

- (vi) **Use 7.4. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school.**
- (vii) **Use 7.5. Private parks, playgrounds, and campgrounds.**

(7) Development Standards

All uses or activities permitted or conditionally permitted in this Chapter shall be subject to the following development standards.

- (a) **Property Line Setbacks. No structure other than a fence or sign shall be located closer than:**
 - (i) **20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and**
 - (ii) **10 feet from all other property lines except as provided below.**
- (b) **Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.**
- (c) **Signs.**
 - (i) **Signs cannot extend over a public right-of-way or project beyond the property line.**
 - (ii) **Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.**
 - (iii) **Signs are limited to 200 square feet in area.**
- (d) **Parking. Off street parking shall be provided in accordance with LC 16.250.**

(8) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16.

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

~~16.214 Marginal Lands Zone (ML-RCP).~~

- ~~(1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:~~
- ~~(a) Provide an alternative to more restrictive farm and forest zoning.~~
 - ~~(b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part time farm or forest operations.~~
 - ~~(c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.~~
- ~~(2) Permitted Uses. The following uses are permitted subject to the general provisions and exceptions specified by this Chapter of Lane Code:~~
- ~~(a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.~~
 - ~~(b) A dwelling or mobile home on a vacant legal lot created pursuant to the requirements of LC 16.214(6) below.~~
 - ~~(c) One mobile home in conjunction with an existing dwelling or mobile home on the same legal lot as the existing dwelling or mobile home as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident subject to compliance with the following conditions:~~
 - ~~(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.~~
 - ~~(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above mentioned resident and family member.~~
 - ~~(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:
 - ~~(aa) A written statement, on a form provided by the Department, from the family member's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.~~
 - ~~(bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.~~~~
 - ~~(iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home.~~
 - ~~(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.~~
 - ~~(vi) The temporary mobile home will comply with sanitation and building code requirements.~~
 - ~~(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.~~
 - ~~(d) Part time farms.~~
 - ~~(e) Woodlots.~~
 - ~~(f) Intensive farm or forest operations, including, but not limited to, farm use.~~
 - ~~(g) Nonresidential buildings customarily provided in conjunction with farm use.~~
 - ~~(h) Public or private schools, including all buildings essential to the operation of a school.~~
 - ~~(i) Churches.~~

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~~(j) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for use by public sale.~~

~~(k) Operations for the exploration of geothermal resources as defined by ORS 522.005.~~

~~(l) 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 equipment and facilities or buildings necessary for its operation.~~

~~(m) The propagation or harvesting of a forest product.~~

~~(n) Community centers owned and operated by a governmental agency or a nonprofit organization, hunting and fishing preserves, parks, playgrounds and publicly owned campgrounds.~~

~~(o) Personal use airport for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. 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 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.~~

~~(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).~~

~~(3) Uses Subject to Director Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and compliance with the criteria and provisions of this Chapter of Lane Code.~~

~~(a) Privately owned campgrounds.~~

~~(b) Golf courses.~~

~~(c) Commercial utility facilities for the purpose of generating power for public use by sale.~~

~~(d) Home occupations, subject to the following conditions and annual review:~~

~~(i) Will be operated by a resident of the property on which the business is located.~~

~~(ii) Will employ no more than five full or part time persons.~~

~~(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.214(2) above.~~

~~(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.~~

~~(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.214(2) above.~~

~~(vi) Will comply with sanitation and building code requirements.~~

~~(vii) Will not be used as a justification for a zone change.~~

~~(viii) Will comply with any additional conditions of approval.~~

~~(ix) Approved applications for home occupations shall be valid until December 31 of 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 below. Prior to December 31 of each year, 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 one year extension of approval to December 31 of the 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~~

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~~written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.~~

~~_____ (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 ORS 215.203(2). 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 parcel of land or contiguous land where the primary processing facility is located. _____~~

~~_____ (f) The boarding of horses for profit.~~

~~_____ (g) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.~~

~~_____ (h) Commercial activities that are in conjunction with farm use including the commercial processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use or pursuant to LC 16.214(3)(j) below.~~

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

~~_____ (j) A facility for the primary processing of farm crops, or the production of biofuel as defined in LC 16.090 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;~~

~~_____ (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.~~

~~_____ (k) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) and LC 16.214(4) below.~~

~~_____ (4) Criteria for Director Approval. Uses specified in LC 16.214(3) and (4) may be allowed if found to comply with the following criteria:~~

~~_____ (a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and~~

~~_____ (b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may 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 roads; and to any other relevant impact of the use.)~~

~~_____ (c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.~~

~~_____ (d) Will not create a hazardous natural condition such as erosion, landslide, flooding.~~

~~_____ (5) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:~~

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

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

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

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

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

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

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

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

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

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

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

~~_____ (d) Height. None.~~

~~_____ (e) Signs:~~

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

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

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

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

~~_____ (8) Telecommunication Towers. Notwithstanding the requirements in LC 16.214(2) (3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). (Revised by Ordinance No. 7-87, Effective 6.17.87; 10-91, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 18-02, 8.9.18)~~

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(10) Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93; 4-04, 12.23.04)*

**ENFORCEMENT
RURAL COMPREHENSIVE PLAN**

16.263 Failure to Comply.

Failure to comply with any of the requirements of this chapter may be subject to an administrative civil penalty as provided by LC 5.017. Failure to comply with a condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter may also be subject to an administrative civil penalty. Continued failure to comply with this chapter 10 days from the mailing of the notice of the failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered constitutes a separate failure to comply for each day the occurrence continues. The Manager of the Lane County Land Management Division, Department of Public Works, or said Manager's duly authorized representatives, shall have the authority to issue a notice of failure to comply. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93)*

**TELECOMMUNICATION TOWER STANDARDS
RURAL COMPREHENSIVE PLAN**

16.264 Telecommunication Tower Standards.

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

- (a) Recognizes the public need for provision of telecommunication facilities;
- (b) Allows appropriate levels of service to be obtained throughout the County;
- (c) Minimizes the number of transmission towers throughout the County;
- (d) Encourages the collocation of telecommunication facilities; and
- (e) Ensures that all telecommunication facilities, including towers, antennas, and

ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals.

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

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

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

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

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

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building, **not including eligible facilities requests for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station pursuant to Section 6409(a) of the Spectrum Act.**

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

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

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

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

(3) Standards applicable to all telecommunication facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Notice. In lieu of the notice area in LC 14.060(4)(a), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.060(4)(a), as applicable.

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

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with Type III procedures of LC Chapter 14, except that LC 14.060(4)(a) noticing requirements does not apply to applications involving a leased area.. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

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

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

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(c) Required submittals. The application shall contain the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;

(C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.

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(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(v) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.

(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).

(viii) Evidence of the notification and the neighborhood meeting.

(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.

(x) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(d) Performance standards. The transmission tower shall comply with the following:

(i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:

(A) Lack of useable and compatible collocation space;

(B) Inability to meet service coverage area and capacity needs; or

(C) Technical reasons such as channel proximity and inter-modulation.

(ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).

(iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.

(iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.

(v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:

(A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;

(B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.

(e) Setbacks and separation requirements.

(i) Setbacks. The tower shall comply with the setback of the base zone.

(ii) Separation. The tower shall be 1200 feet from any dwelling or school, except:

(A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.

(B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.

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(f) Expiration and Renewal of the Special Use Permit.

(i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.

(ii) In lieu of LC 14.090(6), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.

(iii) To renew the special use permit, an application shall be submitted in accordance with LC Chapter 14. To be approved, the application shall contain documentation showing:

(A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and

(B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.

(5) Collocation. A new or replacement collocation shall comply with the following:

(a) Review process. Collocation requires submittal of a land use application pursuant to Type II procedures of LC Chapter 14. Director approval is required pursuant to Type II procedures of LC Chapter 4, excluding the notice area at LC 14.060(4)(a) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).

(b) Required submittals. An application for a collocation shall include the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.

(iii) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.

(iv) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.

(v) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(vi) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.

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(vii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(viii) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.

(ix) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.

(x) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval.

(xi) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(c) Performance standards. Collocations shall comply with the following:

(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.

(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation.

(6) Spectrum Act Eligible Facilities Requests.

(a) Review Process. An eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station will be processed as a Type I determination pursuant to LC Chapter 14 and LC 14.050(2)(c).

(b) Definitions. Terms in this subsection are defined as provided by 47 C.F.R. 1.40001(b). In the case of conflict between the definitions provided in subsection (2) above and the definitions of 47 C.F.R. 1.40001(b), the definitions of 47 C.F.R. 1.40001(b) prevail.

(c) Standards. Type I eligible facilities requests are those that do not constitute a substantial change in the physical dimensions of an existing tower or base station, where substantial change is defined as any of the following:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four

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cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (6)(c)(i) through (iv).

(d) If the facilities request for modification of an existing tower or base station will substantially change the physical dimensions of such tower or base station, the application will be subject to subsection (5) of this section, a Type II procedure.

(Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05; 6-10, 9.17.10; 18-02, 8.9.18)

TRANSPORTATION FACILITIES AND USES RURAL COMPREHENSIVE PLAN

16.265 Transportation Facilities and Uses.

(1) Purpose. The purpose of this section is to define roadway and other transportation activities, uses, and projects that may be allowed in any land use zone governed by LC Chapter 16, subject to applicable standards and requirements. It clarifies the status of these activities and the processes necessary to implement the Lane County Transportation System Plan (TSP), a Special Purpose Plan of the Rural Comprehensive Plan.

(2) Definitions. The definitions in LC 15.010 shall apply to transportation facilities and uses specified in LC 16.265(3) below.

(3) Transportation Facilities and Uses. The following transportation facilities and uses may be permitted outright or as special uses only as specified in the applicable land use zone, subject to LC 16.265(4) and other applicable requirements of Lane Code:

(a) Climbing and passing lanes;

(b) Reconstruction or modification as defined in LC 15.010, and modernization as defined in LC 15.010 of public roads and highways, including:

(i) acquisition of right-of-way, including the removal or displacement of buildings but not including the creation of new parcels.

(ii) channelization as defined in LC 15.010.

(iii) the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way.

(iv) the addition of travel lanes.

(v) continuous median turn lanes.

(c) 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.

(d) Improvement of public roads and related facilities such as maintenance yards, weigh stations and rest areas, to support the operation and maintenance of public roads and highways, including the acquisition of right-of-way but not resulting in the creation of new lots or parcels;

(e) 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.

(f) 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.