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IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON, D. M. PENFOLD, Director of the Dept. of Records and Elections of Lane County

ORDINANCE NO. 24-72

AMENDING CHAPTERS 1, 10 and 13 OF LANE CODE

BY: Paul R. ... DEPUTY

The Board of County Commissioners of Lane County ordains as follows: Chapters 1, 10 and 13 of the Lane Code are hereby amended by removing pages 1.005 - 1.010, 1.010 - 1.010, 10.02C - 10.020 (Group Care Home), 10.020 - 10.020 (Nonconforming Use), 10.020 - 10.020 (Vision Clearance), 13.005 - 13.005 (Drainage land), 13.005 - 13.005 (Minor subdivision (b)), and 13.005 - 13.020, substituting therefor pages 1.005 - 1.010, 1.010 - 1.010, 10.020 - 10.020 (Group Care Home), 10.020- 10.020 (Nonconforming Use), 10.020 - 10.020 (Vision Clearance), 13.005 - 13.005 (Drainage land), 13.005 - 13.005 (Minor subdivision (b)) and 13.005 - 13.020, respectively, and by adding new page 1.010 - 1.010 (Tenant or occupant). Said pages are attached hereto and incorporated herein by reference.

IT IS FURTHER ORDAINED that the specific boundary dividing the jurisdiction of the Lane County Planning Commission and the West Lane Planning Commission, which is only approximately described in the code pages transmitted herein, is more specifically defined on Exhibit "A" attached hereto and, in the event of any question about the actual boundary line, the description contained in Exhibit "A" shall control.

This ordinance shall be effective on the 30th day from enactment for purposes of organization and appointment matters and on February 20, 1973 for exercise of the functions reassigned herein. Further, this ordinance shall be effective only for a period of two years from February 20, 1973. The Department of General Administration is hereby instructed to prepare the necessary amendments to the code for consideration by this board in January of 1975 should the jurisdiction of the West Lane Planning Commission not be continued beyond the term provided by this ordinance.

Enacted this 20th day of December, 1972.

APPROVED AS TO FORM DATE 12/6/72 [Signature] COUNTY COUNSEL

[Signature] Chairman, Lane County Board of Commissioners

[Signature] Recording Secretary for this Meeting of the Board

1.005 Lane Code 1.010

Chapter 1

G E N E R A L

1.005 Code Designated. All ordinances included in this and the following chapters shall constitute and be designated "The Lane Code, 1972" and will hereafter be referred to as "Code". When referring to specific sections of the Code, the letters "LC" should precede the numerical designation.

1.010 Definitions and Rules of Construction. The following definitions and rules of construction shall be observed unless inconsistent with the intent of the board or the context clearly requires otherwise:

Computation of time. The time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon a legal holiday as defined in ORS 187.010 and 187.020 or on Saturday, in which case the last day is also excluded.

Board. Board of County Commissioners.

Chairman. Chairman of the Board of County Commissioners.

Charter. Lane County Home Rule Charter.

City. An incorporated city or town.

County. Lane County, Oregon.

County infraction. A violation of an ordinance so providing.

Day. The period of time between any midnight and the midnight following.

Daytime; nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Department, board, commission, office, officer or employee. A department, board, commission, office, officer, or employee of the county.

Gender. The masculine gender includes the feminine and neuter.

Joint authority. All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Lane County Planning Commission. That planning commission having geographical jurisdiction over that portion of Lane County east of approximately the range

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line between Range 9 West and Range 8 West or the east boundary of Mapleton School District No. 32, whichever is the most easterly (complete legal description contained in Ordinance 24-72).

Oath. "Oath" includes affirmation.

Official time. Whenever certain hours are named herein, they shall mean the standard of time as set out in ORS 187.110.

Or, and. "or" may be read "and" and "and" may be read "or", if the sense requires it.

ORS. Oregon Revised Statutes.

Peace Officer. A member of the department of public safety or other officer specified in ORS 133.170.

Person. Individuals, public or private corporations, associations, firms, partnerships, joint stock companies, governmental agencies, political subdivisions of the State of Oregon (including municipal corporations), trusts, estates, or any other legal entity.

Personal property. Every species of property, except real property, as herein defined.

Planning Commission. Unless otherwise expressly indicated, planning commission used anywhere in the Lane Code or Lane Manual means the commission having geographical jurisdiction over the subject matter, either the Lane County Planning Commission or the West Lane Planning Commission. When the subject matter is not limited to the geographical area of either commission, e.g., a general ordinance change, planning commission means both the Lane County Planning Commission and the West Lane Planning Commission.

Process. A writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. Both real and personal property.

Real property. Lands, tenements and hereditaments.

Shall, may. "Shall" is mandatory and "may" is permissive.

Signature or subscription by mark. "Signature" or "subscription" includes mark when the signer or subscriber cannot write, the signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

State. Oregon.

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Tenant or occupant. A person holding a written or an oral lease of, or who occupies, the whole or a part of the building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

To. "To" means "to and including" when used in reference to a series of sections of this code or when reference is made to ORS.

Week. Seven consecutive days.

West Lane Planning Commission. That planning commission having geographical jurisdiction over that portion of Lane County lying west of approximately the range line between Range 9 West and Range 8 West or the east boundary of Mapleton School District No. 32, whichever is the most easterly (complete legal description contained in Ordinance 24-72).

Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly

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

Guest House, Servants' Quarters. An accessory building without kitchen or cooking facilities and occupied solely by non-paying guests, or by servants employed on the premises.

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

Height of Building. See "Building Height".

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

Horticulture. See "Agriculture".

Hotel, Lodging House, or Rooming House. A building or portion thereof containing four or more sleeping rooms customarily occupied as more or less temporary abiding places for individuals.

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

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

Kennel. Any lot on which three or more dogs over the age of four months are kept.

Key Lot. A lot, the side of which abuts the rear line of one or more adjacent lots.

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

Lane County Planning Commission. See LC Section 1.010.

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

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

Lot Area. The total area measured on a horizontal plane within the lot lines of a lot.

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24-72; 2.20.73

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Nonconforming Use. Use of a structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the use requirements for the zoning district in which it is located.

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

Other Uses Similar to the Above. Other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same district.

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

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

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

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

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

Planning Commission. See LC Section 1.010.

Planning Department. The Lane County Division of Planning and Zoning, Department of General Administration, or as hereafter designated otherwise by order of the Board of Commissioners.

Planning Director. The administrative official of Lane County, or his duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

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of land within the categories described in this paragraph shall not be subject to the requirements of the paragraph on gross income of this subsection.

Vision Clearance. A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction exceeding three and one-half (3-1/2) feet in height above the curb level.

West Lane Planning Commission. See LC Section 1.010.

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

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

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

Yard, Side. An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

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Drainage land. Land required for drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage or the accumulation of surface water.

Final plat. A plat for a major subdivision duly submitted to the secretary of the Planning Commission for Planning Commission consideration and approval and conforming in all respects to the requirements therefor specified in section 13.060(6).

Finished plat. A plat for a minor subdivision duly submitted to the secretary of the Planning Commission for Planning Commission consideration and approval and conforming in all respects to the requirements therefor specified in section 13.045(2).

Key lot. A lot, the lot rear line of which abuts the lot side line of two or more adjoining lots.

Land committee. The Land Development Review Committee created pursuant to section 13.025.

Lane County Planning Commission. See LC Section 1.010.

Local street. A street which is used primarily for access to abutting properties.

Lot. A parcel or portion of land separated from other land in a lease or transfer of ownership or by a drawing on a duly-approved final plat or finished plat, for separate individual use or separate use in immediate or future building development.

Lot front line. The lot line abutting a street; for corner lots the front line shall be that with the narrowest street frontage, and for double frontage lots the lot front line shall be that lot line having frontage on a street which is so designated by the subdivider and approved by the Planning Commission.

Lot rear line. The lot line which is opposite to and most distant from the lot front line.

Lot side line. A lot line which is not a lot front line or lot rear line.

Major subdivision. A subdivision which is not a minor subdivision.

Master road plan. The plan or plans in chapter 15 adopted by the board in accordance with section 13.065 (1) (c).

Minor subdivision. A subdivision of land any part of which is within urbanizing area and which:

(a) results in not more than three lots fronting on an existing street;

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(b) does not create any new street or require the widening of any existing street;

(c) does not impede the future highest and best use of the remainder of the tract under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto, in the judgment of the Planning Commission; and

(d) is not in conflict with any law or ordinance applicable to the land being subdivided.

Owner. An individual, association, partnership or corporation having legal or equitable title to land sought to be subdivided, other than legal title held for the purpose of security only.

Performance agreement. A performance bond executed by a surety company duly licensed to do business in the state in an amount equal to the full cost of the work to be done and conditioned upon the faithful performance thereof in accordance with section 13.135.

Planning Commission. See LC Section 1.010.

Preliminary plat. A tentative map and plan for a major subdivision duly submitted to the secretary of the Planning Commission for Planning Commission consideration and approval and conforming in all respects to the requirements specified in section 13.060 (2).

Single family density area. An area abutting a local street not a business street where for one block length or more all property on both sides of said street is, or as determined by the Planning Commission, will be occupied by no more than nine (9) families per acre exclusive of street right-of-way.

Statutory subdivision. A subdivision as defined in ORS 92.010.

Street. A public street, avenue, boulevard, lane, road, parkway, highway, or other public way, other than an alley, for use of vehicular traffic, and includes the land between the right-of-way lines whether improved or unimproved.

Subdivide. To effect a subdivision.

Subdivider. An owner commencing proceedings under this chapter to effect a subdivision of land by himself or through his lawful agent.

Subdivision. A division of land; except that the following division of land shall not be deemed a subdivision where no new street is created:

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22, Sections 27 through 30, and Sections 33 and 34;
 Township 18 South, Range 3 West, Willamette Meridian, Sections 1 through 24;
 Township 18 South, Range 4 West, Willamette Meridian, Sections 1 through 6 and 9 through 14;
 Township 18 South, Range 5 West, Willamette Meridian, Sections 1 and 2;
 Township 20 South, Range 3 West, Willamette Meridian, Sections 19 through 36;
 Township 21 South, Range 3 West, Willamette Meridian, Sections 1 through 18.
West Lane Planning Commission. See LC Section 1.010.

13.010 Authority. The following rules, regulations and standards relating to the subdivision of land in the county, and the following procedures to be followed by subdividers, the Planning Commission, the Land Development Review Committee, and the board, are adopted pursuant to ORS 215.010 (2) and 215.190, and the charter.

13.015 Purpose. The purpose of this chapter is to provide rules, regulations and standards to govern the approval of plats of subdivisions and also of partitioning of land by creation of a street or way, to carry out the development pattern and plan of the county and to promote the public health, safety and general welfare, lessen congestion in the streets, secure safety from fire, flood, pollution and other dangers, provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, recreation and other needs of the people of the county, and to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

13.020 Approval of Subdivisions Required.

(1) No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for subdivisions under the provisions of this chapter.

(2) No person shall dispose of, transfer or sell any lot or parcel of land in a minor subdivision with respect to which approval is required by this chapter until such approval is obtained.

(3) No person shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision with respect to which approval is required by this chapter until such approval is obtained, and the plat thereof has been acknowledged and recorded with the county recording officer.

Beginning at a point on the Lane Benton County Line, said point also being the Northwest corner of Lot 3, Section 7, Township 15 South, Range 8 West, Willamette Meridian; run thence Southerly along the Westerly boundary of Sections 7, 18 and 19, 2.5 miles, more or less, to the Southwest corner of said Section 19; thence Easterly along the Southerly boundary of Sections 19, 20 and 21, 3 miles, more or less, to the Southeast corner of said Section 21; thence Southerly along the Westerly boundary of Sections 27 and 34, 2 miles, more or less, to the Southwest corner of said Section 34; thence Westerly along the Southerly boundary of Section 33, 1.51 chains, to the Northwest corner of Section 3, Township 16 South, Range 8 West, Willamette Meridian; thence Southerly along the Westerly boundary of said Section 3, 1 mile, more or less, to the Southwest corner thereof; thence Westerly along the Southerly boundary of Section 4, 1 mile, more or less, to the Southwest corner thereof; thence Southerly along the Westerly boundary of Sections 9, 16, 21, 28 and 33, 5 miles, more or less, to the Northeast corner of Section 5, Township 17 South, Range 8 West, Willamette Meridian; thence Westerly along the Northerly boundary of Sections 5 and 6, 2 miles, more or less, to the Northwest corner of Section 6; thence Southerly along the Westerly boundary of Sections 6, 7, 18 and 19, 4 miles, more or less, to the Southwest corner of said Section 19; thence Easterly along the Southerly boundary of Sections 19 and 20, 2 miles, more or less, to the Southeast corner of said Section 20; thence Southerly along the Westerly boundary of Sections 28 and 33, 2 miles, more or less, to the Northwest corner of Section 4, Township 18 South, Range 8 West, Willamette Meridian; thence Southerly along the Westerly boundary of Sections 4, 9 and 16, 3 miles, more or less, to the Southwest corner of said Section 16; thence Westerly along the Southerly boundary of Sections 17 and 18, 2 miles, more or less, to the Southwest corner of said Section 18; thence Southerly along the Westerly boundary of Sections 19, 30 and 31, 3 miles, more or less, to the Southwest corner of said Section 31; thence East 33.40 chains to the Northwest corner of Section 6, Township 19 South, Range 8 West, Willamette Meridian; thence Southerly along the Westerly boundary of said Section 6, 1.3 miles, more or less, to the Southwest corner thereof, said Southwest corner also being on the Lane Douglas County Line and there ending in Lane County, Oregon.