

APR 02 1982

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

D. M. PENFOLD, Director of the  
Office of General Services of Lane County

BY *Gladys Beekel* DEPUTY

ORDINANCE NO.

6 - 82

) IN THE MATTER OF AMENDING CHAPTERS 10,  
) 11, 13 AND 15 OF LANE CODE TO REDUCE  
) REQUIREMENTS FOR MAILED NOTIFICATION OF  
) CERTAIN ADMINISTRATIVE DECISION  
) APPLICATIONS AND REDUCE APPEAL PERIOD  
) FOR LAND DIVISION APPLICATIONS

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

Chapters 10, 11, 13 and 15 of Lane Code are hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

10.316-40(2) - 10.316-90  
(one page)

10.316-40(2) - 10.316-90  
(one page)

10.330-35(1) - 10.330-50  
(one page)

10.330-35(1) - 10.330-50(3)  
(one page)

10.335-50(2) - 10.335-80  
(one page)

10.335-50(2) - 10.335-80  
(one page)

10.350-35(8) - 10.350-55  
(one page)

10.350-35(8) - 10.350-55  
(one page)

11.100-20(1) - 11.100-20(2)  
(one page)

11.100-20(1) - 11.100-20(2)  
(one page)

13.125 - 13-125 (beginning with  
"(1) An overall"; etc.) to  
13.125 - 13.130  
(a total of two pages)

13.125(1) - 13.125(4) to  
13.125(4) - 13.130(1)  
(a total of two pages)

13.130(2) - 13.130(4)  
(one page)

13.130(2) - 13.130(4) to  
13.130(4) - 13.130(4)  
(a total of two pages)

13.140 - 13.140 (beginning with  
"(n) The proposed method", etc.) to  
13.140(4) - 13.145(1)  
(a total of two pages)

13.140(2) - 13.140(3) (beginning with  
"(n) The proposed method", etc.) to  
13.140(4) - 13.145(1)  
(a total of two pages)

13.148(5) - 13.148(6)  
(one page)

13.148(5) - 13.148(6)  
(one page)

15.900(7) - 15.900(11)  
(one page)

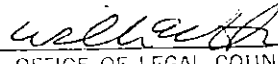
15.900(7) - 15.900(11)  
(one page)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to reduce requirements for mailed notification of certain administrative decision applications and reduce appeal period for land division applications.

Enacted this 17th day of March, 1982.

  
\_\_\_\_\_  
Chairman, Lane County Board of  
Commissioners

  
\_\_\_\_\_  
Recording Secretary for this Meeting  
of the Board

APPROVED AS TO FORM  
DATE 1/22/82 the county  
  
OFFICE OF LEGAL COUNSEL

## Planning Director Review

10.316-40(2)

Lane Code

10.316-90

include express written findings on each of the applicable criteria. Decisions by the Planning Director shall become final after an elapsed period of 10 days from the date of the decision of the Director, unless appealed to the Hearings Official within that 10-day period.

(3) The Planning Director's decision with findings shall be sent by mail within two working days of the date of action. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made to the Hearings Official. If the decision is to approve the request, the notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

(4) An application for a review which is not acted upon by the Planning Director within 45 days from the receipt of application by the Planning Division may be deemed denied and may be appealed to the Hearings Official in the manner as provided for appeals of Planning Director decisions.

-50. Appeal to the Hearings Official. An appeal to the Hearings Official shall be according to Lane Code, Chapter 14, "Appeals."

-60. Compliance with Conditions of Approval. Compliance with conditions imposed by the approval and adherence to the submitted plans as approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Chapter.

-70. Vested Interest in Approved Reviews. A valid approval supersedes conflicting provisions of subsequent rezonings or amendments to this Chapter, unless specifically provided otherwise by the provisions of this section or the conditions of approval.

-80. Revocation. Approval granted by the Planning Director shall automatically be revoked if not exercised within two years of the date of approval.

-90. Limitations on Refiling of Application. Applications for which a substantially similar application has been denied within the previous year shall be heard by the Planning Director only after the Hearings Official's separate determination that for good cause the application may be refiled.

11-80; 7.24.80  
19-80; 8.20.80  
5-81; 4.8.81

## Variances

10.330-35(1)

Lane Code

10.330-50(3)

-35 Application. Application for a Variance shall be filed with the Planning Division on the form prescribed by the Division, by any person with a legal interest in the property, and shall include the following:

- (1) Name and address of applicant.
- (2) Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest, and in case the applicant is not the owner, that the owner knows of the application.
- (3) Address and legal description of property.
- (4) Four copies of a plot plan, approximately to scale, illustrating the size and location of existing uses and structures on the property and describing the proposed Variance.
- (5) A statement explaining the intended request.
- (6) The fee required by this Chapter to defray the cost of processing the application.
- (7) Any other materials or information as may be deemed necessary by the applicant to assist in the evaluation of the request.

-45 Investigation and Reports. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with the Variance criteria. Any report of such investigation shall be included in the application file.

-50 Planning Director Review.

- (1) The Planning Director shall review the application and investigation report.
- (2) The Planning Director shall determine whether the evidence supports a finding that the required criteria have been met, and shall approve, approve with conditions, or deny the application accordingly. The Planning Director's approval or denial shall be in writing and shall include express written findings on each of the applicable criteria. Variance decisions by the Planning Director shall become final after an elapsed period of 10 days from the date of the decision of the Director unless appealed to the Hearings Official within that 10-day period.
- (3) The Planning Director's decision with findings shall be sent by mail within two working days of the date of action. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made to the Hearings Official. If the decision is to approve the request, the notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

10.335-50(2)

Lane Code

10.335-80

include notice of the manner in which an appeal of the decision may be made to the Hearings Official. If the decision is to approve or conditionally approve the request, notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

(3) An Application for a Site Review Permit which is not acted upon by the Planning Director within 45 days from the receipt of Application by the Planning Division may be deemed denied, and may be appealed to the Hearings Official in the same manner provided for appeals of Planning Director decisions.

-60. Appeal to the Hearings Official. An appeal of the Planning Director's decision to the Hearings Official shall be according to the provisions of Lane Code, Chapter 14, "Appeals."

-65. Modification of Approved Site Review Permits. Minor changes requested by the applicant in an approved Site Review Permit may be approved by the Planning Director if such changes are consistent with the purposes and general character of the Original Application. All other modifications shall be processed in the same manner as the Original Application, and shall be subject to the same procedural requirements. All requests for changes or modifications and their approval shall be in writing.

-70. Compliance With Conditions of Approval. Compliance with conditions imposed in the Site Review Permit, and adherence to the plans submitted upon which approval of the Site Review Permit was granted or modified, as the case may be, is required, and any departure from such conditions of approval and plans constitutes a violation of this Chapter.

-80. Revocation. Site Review Permits shall automatically be revoked if any development for which a Site Review Permit has been granted, or any condition of a Site Review is not completed within two years from the date of final approval.

13-72; 7.21.72  
3-73; 5.11.73  
10-76; 1.1.77  
5-80; 6.27.80  
5-81; 4.8.81

## Special Exceptions to Minimum Area Requirements

10.350-35(8)

Lane Code

10.350-55

(8) The fee required by this Chapter to defray the cost of processing the Application.

(9) Any other materials or information deemed necessary by the applicant to assist in evaluation of this request.

-50 Planning Director Review.

(1) The Planning Director shall review the Application and investigation report.

(2) The Planning Director shall determine whether the evidence supports a finding that the required criteria have been met, and shall approve, approve with conditions or deny the Application accordingly. The Planning Director's approval or denial shall be in writing and shall include express written findings on each of the applicable criteria. Special Exceptions to Minimum Area Requirements decisions by the Planning Director shall become final after an elapsed period of 10 days from the date of the decision of the Director unless appealed to the Hearings Official within that 10-day period.

(3) The Planning Director's decision with findings shall be sent by mail to the applicant within two working days of the date of action. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decisions may be made to the Hearings Official. If the decision is to approve the request, the notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

(4) An Application for a Special Exceptions to Minimum Area Requirements which is not acted upon by the Planning Director within 45 days from the receipt of Application by the Planning Division may be deemed denied and may be appealed to the Hearings Official in the manner as provided for appeals of Planning Director decisions.

-52. Appeal to the Hearings Official.

(1) An appeal may be made to the Hearings Official by an interested person or County official. Such appeal shall be filed in written form with the Planning Division within 10 days of the date of the Planning Director's action, stating how the Planning Director erred in Director's application of the requirements of this section.

(2) The appeal shall proceed as set forth in Lane Code, Chapter 14, "Appeals".

-55. Compliance With Conditions of Approval. Compliance with conditions imposed on the Special Exceptions are required.

9-75; 7.2.75  
10-76; 1.1.77  
7-80; 8.15.80  
5-81; 4.8.81

11.100-20(1)

Lane Code

11.100-20(2)

(d) Construction and installation of plumbing, gas piping, electrical equipment and wiring shall comply with all laws and administrative rules of the State of Oregon.

(e) Foundations, tiedowns, over-the-top ties and skirting shall comply with applicable Federal, State and local rules and regulations.

(2) Temporary Mobile Home. Upon receiving satisfactory evidence that a hardship exists within a family in that a family member is suffering either physical or mental impairment, infirmity, or is otherwise disabled and must be near another family member to receive adequate care, a Temporary Mobile Home Permit may be issued, subject to the following:

(a) All initial permits shall expire on December 31 of the year following original Permit issuance. Permit renewals shall be valid for a two-year period or until the hardship ceases, whichever occurs first. Biennially thereafter, if a satisfactory Application is submitted, notification of pending approval shall be mailed to the applicant and owners of all property within 100 feet of the contiguous boundaries of the property for which the Temporary Mobile Home Permit is being requested. For the purpose of this subchapter, property owners shall be those identified by current tax rolls of Assessment and Taxation. The Temporary Permit shall not be issued for 10 calendar days following date of mailing notification of intent to issue.

(b) The mobile home shall be connected to a sewage system serving an existing dwelling or mobile home on the same lot, said system to meet requirements of DEQ for personal hardship connections.

(c) Satisfactory evidence of family member disability shall be in the form of a written communication from the disabled person's physician, therapist or other professional counselor.

(d) For the purposes of issuing a Temporary Permit, the location of a mobile home on a lot shall not be considered a separate dwelling site and the lot area, frontage and access requirements of Lane Code Chapters 10, 13 and 15 shall not apply. Setbacks shall be in accordance with LC 15.095, "Building Setback Line Chart."

3-76; 4.7.76  
 9-76; 8.27.76  
 7-77; 8.12.77  
 16-79; 1.18.80

13.125(1)

Lane Code

13.125(4)

(1) An overall conceptual plan for the entire property if the proposed Partition may be further divided at a future time.

(2) Review Committee Consideration - Minor Partition Map.

(a) Distribution and Report. Within two working days after a Minor Partition Map is submitted, according to the provisions of this Code, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment, and recommendations. The referral shall state the anticipated date for Review Committee consideration of the Partition. Members of the Review Committee and other interested parties may submit to the Chairman of the Review Committee and the applicant a written report at least two days prior to the meeting at which the Committee is scheduled to consider the Partition.

(b) Committee Recommendation. The Review Committee shall consider the Minor Partition Application at a regular public meeting not less than seven full days after the Partition is submitted to the Planning Division. At this meeting the Committee shall either form its joint recommendations concerning the Partition and its conformance with this Chapter or delay action for not more than 15 days for additional information or review. The time limit may be extended upon mutual consent of the applicant and the Committee.

(3) Chairman's Consideration - Minor Partition Map. The Chairman of the Review Committee shall consider the Minor Partition Application and the reports and recommendations thereon from the Review Committee and others not more than five days after the Committee forms its recommendation. The Chairman shall approve or conditionally approve the Minor Partition unless there is a specific finding that the Partition does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations. Unless appealed, the Chairman's action shall become effective 10 days after such action.

(4) Final Disposition of Minor Partition Map.

(a) Notification. The Chairman of the Review Committee shall send notification by mail to the applicant of the final action taken on a Minor Partition Application within two days of such action and shall note the nature of the action and the date thereof on the Partition Map. If approved, the Partition Map shall be appropriately endorsed. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made to the Hearings Official. If the decision is to approve or conditionally approve the request, notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

13.125(4)

Lane Code

13.130(1)

(b) Conditional Approvals. If a Partition has received conditional approval, the notification of action shall contain a listing of such conditions. All conditions must be performed or complied with in the time period specified in the conditional approval. When the conditions have been fulfilled, the Partition Map shall be appropriately endorsed and a copy forwarded to the applicant. In the case of conditions relating to improvements, a Performance Agreement or Improvement Agreement which has been accepted by the Board of Commissioners shall be considered as adequate fulfillment of said conditions. Upon failure to perform the conditions within the specified time, the Chairman shall forward the unapproved map to the applicant without further action. No further action thereafter on the Application shall be permitted until a new Application is submitted as required by this Chapter.

(c) Effective Date. Unless the action by the Chairman of the Review Committee is appealed, the Chairman's action shall become final 10 days after such action.

(d) Recording. Following approval, the Chairman of the Review Board shall promptly deliver to the office of the County Recording Officer an approved copy of the Minor Partition and offer such for filing. All filing fees shall be paid by the applicant.

### 13.130 Major Partition Procedure.

(1) Application - Major Partition Tentative Plan. An Application for a Major Partition Tentative Plan shall be submitted to the Director of the Planning Division by the owner or an authorized agent on the form prescribed by LC 13.105 and the Planning Division. This Application shall contain information on the following:

(a) The name and addresses of the owner and the person preparing the Application.

(b) An accurate map describing the boundaries of all contiguous land in the same ownership.

(c) The date, north point and scale of the map, and, if needed, a sufficient written description to define the location and boundaries of the map area.

(d) The location, name, and width of existing roads.

(e) The location of existing or projected right-of-way lines as shown on the Master Road Plan.

(f) The width and location of all existing or projected drainage and utility easements.

(g) The existing use or uses of the property, including the location of all existing structures to remain on the property.

(h) The approximate location of areas subject to inundation or storm water overflow, and the location and direction of flow of all watercourses and drainage ways.

(i) The parcel lines and dimensions of all proposed parcels.

13.130(2)

Lane Code

13.130(4)

after the Partition is submitted to the Planning Division. At this meeting the Committee shall either form its joint recommendation concerning the Tentative Plan and its conformance with this Chapter, or delay action for not more than 15 days for additional information or review. The time limit may be additionally extended upon mutual consent of the applicant and the Committee.

(3) Chairman's Consideration - Major Partition Tentative Plan. The Chairman of the Review Committee shall consider the Major Partition Tentative Plan Application and the reports and recommendations thereon from the Review Committee and others not more than five days after the Committee forms its recommendation. The Chairman shall approve or conditionally approve the Tentative Plan Application unless there is a specific finding that the Application does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations.

(4) Final Disposition - Major Partition Tentative Plan.

(a) Notification. The Chairman of the Review Committee shall send notification by mail to the applicant of the final action taken on the Major Partition Tentative Plan within two days of such action. Any conditions of approval shall be listed upon the Tentative Plan. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made to the Hearings Official. If the decision is to approve or conditionally approve the request, notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

(b) Conditional Approvals. A Major Partition Tentative Plan may be conditionally approved subject to the satisfactory completion of specified tests or requirements, in which case the Chairman shall withhold completion of final action until the tests or requirements are completed. The Chairman shall take final action on the tentative plan within five days of notification of the completion of the tests or requirements. If the tests or requirements are satisfactorily met, the Chairman shall give final approval to the Tentative Plan.

13.130(4)

Lane Code

13.130(4)

(c) Effective Date. Unless the action by the Chairman of the Review Committee is appealed the Chairman's action shall become final 10 days after such action.

(d) Effect of Approval. Following approval of a Major Partition Tentative Plan, the applicant may proceed with final preparation of the major partition map, including surveying, map preparations, and construction of associated improvements.

(Go to next page)

(n) The proposed method of sewage disposal. If the lots are to be served by individual sewage disposal systems, the following information shall be submitted:

(i) Date and application number of a site feasibility study prepared by Water Pollution Control Division.

(ii) Location of each approved test hole showing distance from nearest side lot line and distance from either front or rear lot line.

(p) The proposed use of any lot which is not intended for single-family residential use.

(2) Review Committee Consideration - Subdivision Tentative Plan.

(a) Distribution and Report. Within two working days after a Subdivision Tentative Plan Application is submitted according to the provisions of this Code, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment, and recommendations. The referral shall state the anticipated date for Review Committee consideration of the Plan. Members of the Review Committee and other interested parties shall submit to the Chairman of the Review Committee and the applicant a written report at least two days prior to the meeting at which the Committee is scheduled to consider the Tentative Plan.

(b) Committee Recommendation. The Review Committee shall consider the Subdivision Tentative Plan Application at a regular public meeting not less than seven full days after the Tentative Plan is submitted to the Planning Division. At this meeting the Committee shall either form its joint recommendations concerning the Tentative Plan and its conformance with this Chapter or delay action for not more than 15 days for additional information or review. The time limit may be additionally extended upon mutual consent of the applicant and the Committee.

(3) Chairman's Consideration - Subdivision Tentative Plan.

The Chairman of the Review Committee shall consider the Subdivision Tentative Plan Application and the reports and recommendations thereon from the Review Committee and others not more than five days after the Committee forms its recommendation. The Chairman shall approve or conditionally approve the Subdivision Tentative Plan unless there is a specific finding that the Plan does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations.

13.148(5)

Lane Code

13.148(6)

(5) Notification of Decision on Application. The Planning Director, or Director's delegee, after review of Application, shall give written notice of his or her decision and the reasons supporting the decision to the applicant. The decision is final unless appealed in the manner set forth in this section.

(6) Appeal of Decision. An appeal may be made to the Hearings Official within 10 days of the date of decision or, if the Planning Director, or Director's delegee, does not take action on a duly submitted Application, within 30 days after such Application is submitted.

(c) The Planning Director's decision with findings shall be sent by mail within two working days of that date of action. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made to the Appellate Body. If the decision is to approve the request, notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

(d) An Application for a Variance which is not acted upon by the Planning Director within 45 days from the receipt of Application by the Planning Division may be deemed denied and may be appealed to the Appellate Body in the manner as provided for appeals of Planning Director decisions.

(8) Appeal to the Appellate Body

(a) An appeal may be made to the Appellate Body by an interested person or County official. Such appeal shall be filed in written form with the Planning Division within 10 days of the date of the Planning Director's action stating how the Planning Director erred in Director's Application of the requirements of this section.

(b) Within 30 days of the filing of the Notice of Appeal, the Appellate Body shall hold a public hearing. Notice of the hearing shall be at least 10 days prior to the public hearing and in the same manner as provided for notice of approvals by the Planning Director. Prior to the public hearing the Planning Director shall forward to the Appellate Body a copy of the Application, all pertinent data filed with it, and the Director's decision with findings, if applicable.

(c) In reversing a decision of the Planning Director, the Appellate body shall indicate by Order the basis for its decision, including any necessary finding.

(9) Compliance With Conditions of Approval. Compliance with conditions imposed in the Variance, and adherence to the submitted plans as approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code.

(10) Revocation. Variances shall automatically be revoked if not exercised within two years of the date of approval.

(11) Limitations on Refiling of Application. Applications for which a substantially similar Application has been denied within the previous year shall be heard by the Planning Director only after the Appellate Body's separate determination that for good cause the Application may be refiled.