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JUL 09 1982

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

M. PENFOLD, Director of  
General Services of Lane County

ORDINANCE NO. 10-82

) IN THE MATTER OF AMENDING CHAPTERS  
) 11 AND 13 OF LANE CODE BY ADDITIONS  
) AND REVISIONS TO CONFORM THE CODE TO  
) THE METROPOLITAN PLAN AND STATEWIDE  
) PLANNING GOALS WITH RESPECT TO NATURAL  
) RESOURCES, NATURAL AND FLOOD HAZARDS,  
) HISTORIC SITES, THE GREENWAY, URBAN AND  
) URBANIZABLE LAND, THE URBAN GROWTH  
) BOUNDARY AND VARIOUS GENERAL RURAL,  
) INDUSTRIAL AND COMMERCIAL ZONING DISTRICTS  
) AND TO ADOPT A SEPARABILITY CLAUSE

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

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

REMOVE THESE PAGES

INSERT THESE PAGES

10.020 - 10.020 (beginning with "Inoperable Vehicle") (one page)

10.020 - 10.020 (beginning with "Inoperable Vehicle") (one page)

10.020 - 10.020 (beginning with "Mobile Home") (one page)

10.020 - 10.020 (beginning with "Mobile Home") (one page)

10.020 - 10.020 (beginning with "Public Water System") (one page)

10.020 - 10.020 (beginning with "Public Water System") (one page)

10.020 - 10.020 (beginning with "Upland Interdunal Plain") to 10.020 - 10.020 (beginning with "Vision Clearance") (a total of two pages)

10.020 - 10.020 (beginning with "Upland Interdunal Plain") to 10.020 - 10.020 (beginning with "As used in this definition, etc.") (a total of two pages)

10.101-15 - 10.101-10(2) to 10.101-10(3) - 10.101-42 (a total of two pages)

10.101-05 - 10.101-10(1) to 10.101-21 - 10.101-42 (a total of three pages)

10.112-10(4) - 10.112-15(2) to 10.112-15(2) - 10.112-20(2) (a total of two pages)

10.112-10(4) - 10.112-15(2) to 10.112-15(2) - 10.112-20(2) (a total of two pages)

In the Matter of Amending Chapters 10, 11 and 13 of Lane Code by Additions and Revisions to Conform the Code to the Metropolitan Plan and Statewide Planning Goals With Respect to Natural Resources, Natural and Flood Hazards, Historic Sites, the Greenway, Urban and Urbanizable Land, the Urban Growth Boundary and Various General Rural, Industrial and Commercial Zoning Districts, and to Adopt a Separability Clause

REMOVE THESE PAGES

INSERT THESE PAGES

10.113-10(9) - 10.112-20(1)  
(one page)

10.113-10(9) - 10.113-20(1)  
(one page)

10.122-05(1) - 10.122-42(2) to  
10.122-42(2) - 10.122-42(2)  
(a total of two pages)

10.122-05 - 10.122-25 to  
10.122-45(2) - 10.122-50(6)  
(a total of four pages)

10.170-10 - 10.170-15 to  
10.180-35 - 10.180-35  
(a total of eight pages)

10.170-05 - 10.170-10(10) to  
10.180-28 - 10.180-35  
(a total of seven pages)

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10.182-05 - 10.182-15(2) to  
~~10.182-25(5)~~ - 10.182-35  
(a total of five new pages)

10.320-20 - 10.320-35(2)  
(one page)

10.320-20 - 10.320-35(2)  
(one page)

10.322-01 - 10.322-05(5) to  
10.322-75(3) - 10.322-95  
(a total of 11 pages)

10.322-01 - 10.322-05(4) to  
10.322-85 - 10.322-95  
(a total of seven pages)

11.005 - 11.035 to  
11.035 - 11.040  
(a total of five pages)

11.005 - 11.035 to  
11.035 - 11.040  
(a total of seven pages)

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11.300-05 - 11.300-25 to  
11.300-30(1) - 11.300-35(4)  
(a total of two new pages)

11.500 - 11.510(4) to  
11.510(5) - 11.520(5),  
including pp. 1-10 of Appendix  
"A" (a total of 12 pages)

11.500 - 11.520 to  
11.540(4) - 11.545  
(a total of five pages)

13.080 - 13.090 to  
13.105 - 13.105  
(a total of three pages)

13.080 - 13.085 to  
13.100(4) - 13.105(2)  
(a total of three pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to conform the Code to the Metropolitan Plan and Statewide Planning Goals with respect to Natural Resources, Natural and Flood Hazards, Historic Sites, the Greenway, Urban and Urbanizable Land, the Urban Growth Boundary and Various General Rural, Industrial and Commercial Zoning Districts.

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 shall be deemed a separate,

In the Matter of Amending Chapters 10, 11 and 13 of Lane Code by Additions and Revisions to Conform the Code to the Metropolitan Plan and Statewide Planning Goals With Respect to Natural Resources, Natural and Flood Hazards, Historic Sites, the Greenway, Urban and Urbanizable Land, the Urban Growth Boundary and Various General Rural, Industrial and Commercial Zoning Districts, and to Adopt a Separability Clause

distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

It is the Board's intent that the amendments to Chapters 10, 11 and 13 herein are independent acts consolidated into one ordinance and each amendment or any portion thereof may or may not be enacted.

This Ordinance becomes effective 30 days from the date set forth herein or upon the adoption of an Order adopting Findings of Fact and Conclusions of Law concerning the action, whichever comes last.

Enacted this 9th day of June, 1982.

*Gerald H. Rust, Jr.*  
Vice Chairman, Lane County Board of Commissioners

*Chickie Mahy*  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM  
DATE 5/7/82 lane county  
*Cecil [Signature]*  
OFFICE OF LEGAL COUNSEL

In the Matter of Amending Chapters 10, 11 and 13 of Lane Code by Additions and Revisions to Conform the Code to the Metropolitan Plan and Statewide Planning Goals With Respect to Natural Resources, Natural and Flood Hazards, Historic Sites, the Greenway, Urban and Urbanizable Land, the Urban Growth Boundary and Various General Rural, Industrial and Commercial Zoning Districts, and to Adopt a Separability Clause

Definitions

10.020

Lane Code

10.020

Inoperable Vehicle. Any vehicle not functional because of a mechanical or other defect, or not currently licensed for operation on public streets. Off-road vehicles used for farming or timber operations, recreation or for on-site use in conjunction with a valid business being conducted on the premises shall be excluded from this definition.

Junk. Outside storage of used materials, including, but not limited to, home and industrial appliances, scrap iron, aluminum or other metals, plastic, cardboard, machinery, bottles, cans and all materials similar to the above, excluding storage of materials in conjunction with a use permitted by a zoning district.

Junk Yard. Lot used in whole or in part for buying, selling, trading or dealing commercially in any manner with outside storage of junk, with the exception of salvage or recovery operations otherwise allowed by a zoning district.

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

Kenel. 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.

Key Urban Facilities and Services. Those public facilities and services important to urban development. They are primarily planned for by local government and are to be provided in the manner, type and time period as established in the portion of the Comprehensive Plan for each respective city Urban Growth Boundary.

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 1.010.

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.

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.

13-72; 7.21.72  
 24-72; 2.20.73  
 3-73; 5.11.73  
 11-75; 9.5.75  
 9-79; 2.8.80

## Definitions

10.020

Lane Code

10.020

Mobile Home. Any portable structure or vehicle which is constructed and designed to permit human occupancy thereof, and which is being used for residential purposes. For the purposes of this definition, it shall be immaterial (1) whether or not said vehicle or structure is placed upon property for a temporary, semipermanent or permanent use, (2) that wheels may be removed allowing said vehicle or structure to be placed upon posts, footings or a foundation, or (3) whether or not said vehicle or structure meets the structural requirements of the Lane County Building Code (Chapter 11). If occupancy of a vehicle or structure exceeds 30 days in any 12-month period, it shall be presumed that said vehicle or structure is being used for residential purposes.

Mobile Home Park. Any place where two or more mobile homes are parked, placed or located within 500 feet of one another on a lot, tract or parcel of land under the same ownership.

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

Navigational Aids. Human-made and human-installed devices designed to direct waterborne transportation within an estuarine area (i.e. beacons and buoys).

Navigational Improvements, Minor. Minor navigational improvements include removal of logs and stumps or specific items of debris in close proximity to the existing dredge channel which pose a threat to safe navigation. Minor navigational improvements may also include minor expansion of the channel or turnaround basin if needed to accommodate waterborne transport.

Nearshore Deflation Plain. The interdune area just inland from and adjacent to the foredune which is windscoured to the level of the summer water table, resulting in standing water for all or a portion of the winter months. Soil type is generally Heceta 204.

Nonconforming Lot of Record. A parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

13-72; 7.21.72

24-72; 2.20.73

9-79; 2.8.80

11-80; 7.24.80

## Definitions

10.020

Lane Code

10.020

Public Water System. A water supply system, whether publicly or privately owned, which serves a sole user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption.

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

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

Recreation, High Intensity. High intensity recreation requires specially built facilities or occurs in such density or form that it requires or results in modification of the area or resource. Campgrounds, golf courses, public beaches and marinas are examples of high intensity recreation.

Recreation, Low Intensity. Low intensity recreation does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, swimming, hunting, hiking, wildlife photography and beach and shore activities can be low intensity recreation.

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.

Refinement Planning Process. Refinement plans are developed through process which includes at least the following elements: A predetermined citizen involvement process pre-established policy direction in adopted planning documents and planning commission and elected official process. In some cases, these processes would have to be expanded to include review and involvement by citizens, appointed and elected officials.

Residential Properties. Any lot not zoned for full-scale commercial or industrial permitted uses.

Restoration. 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.

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

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

13-72; 7.21.72

24-72; 2.20.73

3-73; 5.11.73

3-76; 4.7.76

9-79; 2.8.80

11-80; 7.24.80

Definitions

10.020

Lane Code

10.020

Upland Interdunal Plain. These are broad, flat interdune forms at elevations of 80 feet or higher above sea level. These areas exhibit a high groundwater table although areas of standing water are infrequent. The soils are Yaquina fine sand 225A, often with a shorepine and spruce forest cover.

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.

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.

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.

Use, Farm (Farm Use). The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 125.203(3).

"Current employment" of land for farm use includes (a) land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188); (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 prior to maturity; (d) any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed 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, 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 under dwellings customarily provided in conjunction with the farm use in an Exclusive Farm Use Zone; and (g) land under buildings supporting accepted farming practices.

13-72; 7.21.72  
24-72; 2.20.73  
3-73; 5.11.73  
1-74; 3.6.74  
2-74; 4.19.74

14-74; 12.27.74  
9-79; 2.3.80  
11-80; 7.24.80  
19-80; 8.20.80  
1-82; 4.16.82

## Definitions

10.020

Lane Code

10.020

As used in this definition, "accepted farming practice" means 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.

Vehicle. Every device designed to move by any means other than human power over public roads and highways.

Visible. Capable of being seen from a height of not more than five feet above ground level with the unaided eye by a person of normal visual acuity.

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

Water System. A source of water and any associated distribution system for water.

West Lane Planning Commission. See LC 1.010.

Wrecking Yard. Lots used in whole or in part for storing vehicles for the purpose of substantially altering the form, wrecking, dismantling, assembling or disassembling and offering for sale or trade the altered vehicle or components thereof.

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

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 sidewall line of the building and the side line of the lot.

13-72; 7.21.72  
 24-72; 2.20.73  
 3-73; 5.11.73  
 1-74; 3.6.74  
 2-74; 4.19.74  
 14-74; 12.27.74  
 9-79; 2.8.80  
 11-80; 7.24.80  
 19-80; 8.20.80  
 1-82; 4.16.82

NATURAL RESOURCE DISTRICT (NR)

-05 Purpose. The Natural Resource District (NR) is intended to protect areas having unique or irreplaceable natural resources which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource District may be applied to public and private lands where the Comprehensive Plan requires natural resource site protection. The District is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

- (1) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
- (2) Watersheds and their streams or lakes are used for domestic water supplies;
- (3) Vegetative cover is essential to maintain soil stability and prevent erosion;
- (4) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and
- (5) Scenic quality or vistas or open space is unique and/or irreplaceable.

-10. Permitted Buildings and Uses. In the NR District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this subsection, subject to the general provisions and exceptions set forth in this ordinance:

(1) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.

(a) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.

(b) Picnicking areas, day parks, and playgrounds.

(c) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State, and Local fish and game regulations) and hiking and horseback riding.

(NR)

10.101-10(2)

Lane Code

10.101-20(5)

- (2) Wildlife and aquatic-life sanctuaries or preserves.
- (3) Aquaculture.
- (4) Other uses similar to the above.

-12 Special Uses - Planning Director Approval. The following uses are subject to approval by the Planning Director as provided for in LC 10.316:

(1) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker, or operator in conjunction with use permitted in the district.

-15 Special Uses - Hearings Official Approval. The following uses are subject to approval by the Hearings Official as provided for in LC 10.317:

- (1) Radio or television transmitter, tower or station.
- (2) Solid waste disposal transfer station, sanitary land-

fill.

(3) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(4) Electric transmission facilities transmitting electric current in excess of 75,000 volts in any single cable or line or group of cables or lines.

- (5) Piers and boat houses.
- (6) Sewage treatment plant.
- (7) Single-family dwelling or mobile home.

-20 Special Use Criteria. Special uses authorized by LC 10.101-12 and LC 101-15 above shall be approved only upon submission of evidence the following criteria are met:

(1) The use will not adversely impact the significant natural resource area within the subject land zoned NR.

(2) There are no alternative locations for the proposed use within the same contiguous ownership.

(3) If the proposed use will in any way disturb the significant resource area within the subject land zoned NR by clearing, grading, or filling or by the construction and placement of structures on the site, measures can and shall be imposed to mitigate all significant impacts on the resource area.

(4) The use will not be adversely affected by known natural hazards.

(5) The use will not create a hazardous natural or physical condition, such as erosion, landslide, flooding.

NR

10.101-21

Lane Code

10.101-42

- 21. Heights. (Also see LC 10.300-10). No building shall exceed 35 feet in height.
- 23. Setback Requirements. (Also see 10.300-15 and 15.065 - .095).  
(1) Front yard setback shall be 20 feet.  
(2) Side yard setback shall be as follows:  
    (a) Interior yard -- 15 feet for a main building; five feet for an accessory building or structure.  
    (b) Street side yard - 20 feet.  
(3) Rear yard setback shall be 20 feet for a main building; five feet for an accessory building or structure.
- 28. Vision Clearance. Vision clearance for corner lots shall be a minimum of 15 feet.
- 35. Off-Street Parking. There shall be at least one permanently reserved parking space, or private garage, on the same lot, or attached to or made a part of the main building. Such parking space shall be not less than eight feet wide and 18 feet long. The parking space or garage shall be provided at the time of erection of the main building, and it shall have adequate provisions for ingress and egress by standard-sized automobiles. For parking space requirements for buildings other than dwellings, see the general Off-Street Parking Section (LC 10.300-05).
- 42. Area. (Also see LC 10.300-10). The minimum area for the division of land for a single-family dwelling or mobile home shall be 20 acres.

(GR-I)

10.112-10(4)

Lane Code

10.112-15(2)

- (4) One single-family dwelling per lot or one mobile home per lot.
- (5) Guest houses.
- (6) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
- (7) Minor Rural Home Occupation. (See LC 10.342)
- (8) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.
- (9) Kennels, provided the following conditions are satisfied:
- (a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
  - (b) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.
  - (c) Where lot area exceeds 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.
  - (d) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

-15. Special Uses-Planning Director Approval

(1) The following uses subject to approval by the Planning Director as provided for in LC 10.316:

- (a) Commercial activities in conjunction with a farm or forest use, provided that such activities are conducted by the owner or operator of the farm or forest use and provided further that they do not constitute a separate business or enterprise.
- (b) The following animal husbandry uses where such uses are intended for the primary purpose of selling animals or animal products for profit:
  - (i) Raising, tending or breeding of swine.
  - (ii) Raising, tending or breeding of furbearing animals.
- (c) Raising, tending or breeding of fowl for meat or egg production.
- (d) Accessory dwellings for persons employed on the premises.

(2) Special uses shall be approved by the Planning Director unless there is a specific finding the use or activity will result in one of the following:

- (a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning District(s).
- (b) The use is not consistent with the purpose of the GR-I District.

16-80; 9.27.80

WP 4961(b)-LC2-27

10.112-15(2)

Lane Code

10.112-20(2)

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

(d) The use will be adversely affected by known natural hazards, such as floods, slides, erosion.

(e) The use will create a hazardous natural condition such as erosion, landslide, flooding.

-20. Special Uses-Hearings Official Approval.

(1) The following uses subject to approval by the Hearings Official as provided for in LC 10.317:

- (a) Animal hospitals.
- (b) Campgrounds, camping vehicle parks, tourist parks.
- (c) Cemeteries.
- (d) Churches.
- (e) Dams, water storage facilities, power generation or transmission facilities, substations and similar facilities; electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines; canals, flumes and pipe lines; flood control facilities and irrigation projects.
- (f) Day Care nurseries.
- (g) Golf courses.
- (h) Group care homes.
- (i) Kennels which do not satisfy the requirements for kennels as a permitted use.
- (j) Lodges and grange halls.
- (k) Major Rural Home Occupations.
- (l) Nursing homes.
- (m) Parks, playgrounds and community centers.
- (n) Public and private schools.
- (o) Radio and television transmission facilities.
- (p) Rock, sand, gravel, loam, excavation, extraction of mineral resources with incidental processing.
- (q) Solid waste disposal facilities.
- (r) Stables, riding academies and commercial riding.
- (s) Storage facilities for boats and recreational vehicles.
- (t) Sewage treatment facilities.
- (u) Other uses similar to the above and not specifically authorized anywhere in this Chapter.

(2) Special uses shall be approved by the Hearings Official unless there is a specific finding that the proposed use or activity will result in one of the following:

- (a) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.
- (b) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

10.113-10(9)

Lane Code

10.113-20(1)

(b) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(c) Where lot area exceeds 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(d) All dogs shall be owned by the kennel owner except those temporarily kept for purposes of breeding.

(10) Commercial activities in conjunction with a farm or forest use, provided that such activities are conducted by the owner or operator of the farm or forest use and provided further that they do not constitute a separate business or enterprise.

(11) Rock, sand, gravel or loam excavation or extraction, provided materials produced are for the sole use of the owner or operator and are not offered for sale or remuneration and provided further the total excavation or extraction does not exceed 5,000 cubic yards annually.

-15 Special Uses - Planning Director Approval.

(1) The following uses subject to approval by the Planning Director as provided for in LC 10.316:

(a) Accessory dwellings for persons employed on the premises.

(2) Special Uses shall be approved by the Planning Director, unless there is a specific finding that use or activity will result in one of the following:

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

(b) The use is not consistent with the purpose of the GR-II District.

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

(d) The use will be adversely affected by known natural hazards, such as floods, slides, erosion.

(e) The use will create a hazardous natural condition such as erosion, landslide, flooding.

-20 Special Uses - Hearings Official Approval.

(1) The following uses subject to approval by the Hearings Official as provided for in LC 10.317:

(a) Animal hospitals.

(b) Campgrounds, camping vehicle parks, tourist parks.

(c) Cemeteries.

(d) Churches.

(e) Dams, water storage facilities, power generation or transmission facilities, substations and similar facilities; electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines; canals, flumes and pipelines; flood control facilities and irrigation projects.

(f) Day care nurseries.

(g) Golf courses.

(h) Group care homes.

(i) Kennels which do not satisfy the requirements for kennels as a permitted use.

(j) Lodges and grange halls.

(k) Major Rural Home Occupations.

10.122-05

Lane Code

10.122-25

INTERIM URBANIZING COMBINING DISTRICT (/U)

-05 Purpose. The Interim Urbanizing Combining District (/U) is intended to be applied to those lands which are currently nonurban in nature, however, are:

(1) Within an area designated as an urban growth area by the Comprehensive Plan of Lane County, and

(2) Lands recognized by the Plan as suitable for conversion from urbanizable to urban uses at some future date. The /U Combining District must be used in conjunction with another primary district to establish land use standards. It may be used where appropriate in conjunction with any other district in accordance with the specific Comprehensive Plan provisions relating to the respective city urban growth boundary.

-10 Permitted Buildings and Uses. All buildings and uses permitted in the respective district with which the /U District is combined.

-13 Special Uses--Planning Director Review. All buildings and uses subject to the approval of the Planning Director, as provided for in LC 10.316, in the respective district with which the /U District is combined.

-14 Special Uses--Hearings Official's Approval. All buildings and uses subject to the approval of the Hearings Official, as provided for in LC 10.317, in the respective district with which the /U District is combined.

-15 Conditional Uses. All buildings and uses permitted conditionally in the respective district with which the /U District is combined.

-20 Site and Development Requirements. The requirements for yards, setbacks, coverage, vision clearance, height and parking shall be the same as provided in the respective district with which the /U District is combined, except as herein specifically modified.

Florence Urban Growth Boundary

-25 Location. The /U Combining District is for the purpose of reviewing land within those areas that are considered transitional and/or marginal; conditions which could either restrict and/or limit urban and semiurban uses.

( /U)

10.122-30(1)

Lane Code

10.255-40(1)

-30

Lot Area.

(1) For land served by a community water supply and community sewerage system, the minimum lot area shall be as provided by the respective district with which the /U District is combined.

(2) For land not served by a community water system and community sewerage system, the minimum lot area shall be 10 acres, except that smaller lot areas may be permitted where:

(a) Initial connection to a community sewerage system is not feasible.

(b) The proposed parcel size, configuration and number will be consistent with the long-range sewerage plan for the area where such plans exist.

(c) The proposed land division will be adequately served by interim sewerage disposal facilities and will not adversely affect other properties by causing water pollution.

(d) The design and operation of the proposed land division or development will allow for later conversion to urban densities in an orderly and efficient manner and not otherwise preempt the subject property and other properties from:

(i) Later inclusion into a community sewerage system.

(ii) Inclusion into the City of Florence.

(iii) The orderly provision of other community services and facilities.

Eugene-Springfield Urban Growth Boundary

-35

Location. The /U Combining District is to be applied to urbanizable properties designated for residential use in the Eugene-Springfield Metropolitan Area General Plan which are undeveloped or which are wholly or partially underdeveloped. In situations where property is zoned /U on the periphery of the urban growth boundary and the growth boundary may bisect the property by generally following a physical feature, such as a ridge line, the actual interpretation of the growth boundary location is necessary. For the purposes of this District it will be determined by application of the requirements of LC 10.122-40 below in the absence of interpretation by means of a refinement planning process for the property. Land zoned /U and which is thereafter interpreted as being outside the urban growth boundary shall not be considered as urbanizable and shall not be subject to the requirements of LC 10.122-40 and -45 below.

-40

Lot Area. The minimum area for the division of land shall be as provided by the respective district with which the /U District is combined, except as may be further restricted by the following requirements:

(1) Any proposed new lot less than 10 acres, but not less than five acres, shall require the agreement of the adjacent city and Lane County that such lot size would be appropriate for the area, utilizing the following standards:

(U)

10.122-40(1)

Lane Code

10.122-45(2)

(a) The approval of a conceptual plan for ultimate development at urban densities in accord with the Metropolitan Area and applicable refinement plans and policies; where the property is redivisible into smaller parcels consistent with the Metropolitan Area Plan, the conceptual plan shall be accomplished by Lane County in accordance with the redivision plan procedures and requirements of LC 13.070(4).

(b) Proposed land uses and densities conform to The Metropolitan Area and applicable refinement plans and policies; and

(c) The owner of the property has signed an agreement with the adjacent city which provides:

(i) The owner and his or her successors in interest are obligated to support annexation proceedings should the city, at its option, initiate annexation.

(ii) The owner and his or her successors in interest agree not to challenge any annexation of the subject property.

(iii) The owner and his or her successors in interest will acquire city approval for any subsequent new use, change of use or substantial intensification of use of the property. The city will not withhold approval of the use arbitrarily if it is in compliance with applicable plans, policies and standards as interpreted by the city as well as the conceptual plan approved under LC 10.122-40(a) above.

(d) The agreement required in LC 10.122-40(c) above shall be recorded in the Lane County Deed Records.

(2) Any proposed new lot less than five acres shall also require, in addition to the requirements of LC 10.122-40(1), above:

(a) The property will be owned or operated by a governmental agency or public utility; or

(b) A majority of parcels located within 100 feet of the property are smaller than five acres.

-45 Siting of Residential Uses.

(1) The placement, expansion or relocation of a dwelling structure or mobile home shall be sited so as to allow future division and/or other future, more intensive use of the property consistent with the designation of use for the property in the Eugene-Springfield Metropolitan Area General Plan.

(2) The applicable onsite sewage disposal facility or building construction permit or mobile home placement shall be conditional and made a part of such permit as is necessary to achieve the requirements of LC 10.122-45(1) above, in the following manner:

(U)

10.122-45(2)

Lane Code

10.122-50(6)

(a) Approval of a conceptual plan for the property to achieve ultimate densities provided in the Metropolitan Area Plan, which may include a redivision plan in a manner described in LC 13.070(4).

(b) Special development restrictions in addition to those otherwise required by the provisions of this chapter, on the location of buildings and onsite sewage disposal facilities to reserve land for future development consistent with LC 10.122-45(2)(a) above.

(3) The waiver or modification of the requirements of LC 10.122-45(2) above, as applied to construction permits and mobile home placement permits, may be granted only in the manner provided in LC 10.330, Variances.

-50 Conceptual Plan Considerations. The determination of the proper conceptual plan for achieving ultimate densities provided in Metropolitan Area Plan, as required by LC 10.122-40(1)(a) and LC 10.122-45(2)(a), above, shall include consideration of the following:

(1) The ultimate density proposed for the property in the Eugene-Springfield Metropolitan Area Plan.

(2) The existing character of the property and its potential for more intensive development.

(3) The existing and potential future development of adjacent properties, as designated in the Metropolitan Area Plan, and any redivision plans for such properties approved in accordance with LC 13.070(4).

(4) Existing long-range plans to provide public facilities to the area.

(5) A basic standard of 6,000 square feet in area per dwelling unit for determination of ultimate densities in areas designated "Low Density Residential" in the Metropolitan Area Plan.

(6) Provision for achieving an average gross density of greater than 10 dwelling units per acre for areas designated "Medium Density Residential" in the Metropolitan Area Plan.

10.170-05

Lane Code

10.170-10(10)

LIMITED INDUSTRIAL DISTRICT (M-1)

-05. Purpose. The Limited Industrial District (M-1) is intended to provide for manufacturing and related activities with limited external impact.

-10. Permitted Buildings and Uses. In the M-1 District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Chapter:

(1) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.

(2) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this District.

(3) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.

(4) Kennel, provided the following conditions are satisfied:

(a) The maximum number of dogs over four months of age shall be eight.

(b) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(c) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.

(5) Laboratories, research and testing.

(6) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.

(7) Manufacturing, assembling, processing, packaging, storage, or wholesale distribution of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products, except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

(8) Outdoor advertising.

(9) Storage buildings for household or consumer goods.

(10) Public and semipublic utilities, buildings and uses rendering direct utility service to the public in the local area, such as fire stations, utility stations or wells.

(M-1)

10.170-10(11)

Lane Code

10.170-15(19)

(11) Lawful uses existing on a property prior to July 9, 1982, and expansion or replacement of such uses which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing prior to the effective date of the adoption of the ordinance.

-15. Conditional Use. The following conditional uses, subject to a Conditional Use Permit granted pursuant to the provisions of this Chapter providing for the granting of Conditional Use Permits (LC 10.320):

- (1) Aircraft landing field or heliport in conjunction with a use permitted in this District.
- (2) Banks.
- (3) Barbershop, beauty shop.
- (4) Building maintenance service.
- (5) Carnival, circus.
- (6) Convenience grocery store (maximum of 2,000 square feet).
- (7) Correctional institution, jail, penal farm.
- (8) Credit union office.
- (9) Garbage dump, garbage transfer facility.
- (10) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (11) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.
- (12) Other uses similar to permitted uses in this District, provided that:
  - (a) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
  - (b) Items manufactured, assembled, processed or produced in area shall be for wholesale.
- (13) Public and private parking areas and garages.
- (14) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (15) Restaurants, taverns.
- (16) Rock, sand, gravel and loam excavations, with incidental processing.
- (17) Service stations.
- (18) Sewage treatment facilities.
- (19) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.

13-72; 7.21.72  
6-75; 3.26.75

10-163

WP 35401-LC7-5

(M-1)

10.170-23

Lane Code

10.170-35

- 23. Setback Requirements. (Also see LC 10.300-15 and LC 15.065).  
(1) Front Yard. Front yards shall be not less than 15 feet deep.  
(2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep.
- 26. Lot Coverage. Full coverage is allowable, provided minimum load space and setbacks have been provided.
- 28. Vision Clearance.  
(1) Vision clearance for corner lots shall be a minimum of 15 feet.  
(2) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.
- 35. Off-Street Parking. (Also see LC 10.300-05). Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

10.175-05

Lane Code

10.175-10(16)

LIGHT INDUSTRIAL DISTRICT (M-2)

-05. Purpose. The Light Industrial District (M-2) is intended to provide areas for a wide range of manufacturing and assembly of materials into finished products and for warehousing, and wholesale businesses.

-10 Permitted Buildings and Uses. In the M-2 District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Chapter:

- (1) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
- (2) Any use permitted in the M-1 District (LC 10.170-10).
- (3) Bottling works, including alcoholic beverages.
- (4) Collection, recycling, sorting, baling, or processing of previously used material such as rags, paper, metals, glass or plastics.
- (5) Contractor's equipment storage yards; light and heavy equipment sales, rental or repair.
- (6) Feed and seed store.
- (7) Freightling and trucking yards, or terminal.
- (8) Mobile home sales and repairs.
- (9) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- (10) Lumberyards, and building material sales.
- (11) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.
- (12) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.
- (13) Moving equipment rental, parcel delivery plant.
- (14) Poultry or rabbit killing, incidental to a retail trade on the same premises.
- (15) Tire recapping.
- (16) Other uses similar to the above, the manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious,

13-72; 7.21.72

10-165

WP 35401-LC7-6

(M-2)

10.175-10(16)

Lane Code

10.175-35

hazardous, or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

-15. Conditional Uses. The following conditional uses, subject to a Conditional Use Permit granted pursuant to the provisions of this Chapter providing for the granting of Conditional Use Permits (LC 10.320):

(1) Any of the conditional uses listed in the M-1 District (LC 10.170-15).

-23. Setback Requirements. (Also see LC 10.300-15).

(1) Front Yard. No front yard will be required.

(2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep.

(3) Rear Yard. No structural improvements except road surfacing will be allowed within 10 feet of the centerline of an existing alley.

-26. Lot Coverage. Full coverage is allowable, provided minimum parking space, loading space and setbacks have been provided.

-28. Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from curb or walk level to a minimum height of eight feet.

-35. Off-Street Parking. (Also see LC 10.300-05). Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

10.180-05

Lane Code

10.180-28

HEAVY INDUSTRIAL DISTRICT (M-3)

- 05. Purpose. The Heavy Industrial District is intended to provide areas for the location of primary processing industries and to provide for other industrial uses unsuitable for location in other industrial Districts.
- 10. Permitted Buildings and Uses. In the M-3 District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Chapter:
- (1) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
  - (2) Any use permitted in the M-2 District (LC 10.175-10).
  - (3) Industrial and associated commercial buildings and uses. All manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing, researching or any combination thereof of items, material or goods, is permitted.
  - (4) Other uses similar to the above, and those uses which are unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.
  - (5) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.
- 15. Conditional Uses. The following conditional uses, subject to a Conditional Use Permit granted pursuant to the provisions of this Chapter providing for the granting of Conditional Use Permits (LC 10.320):
- (1) Any of the conditional uses listed in the M-1 District (LC 10.170-15).
- 23. Setback Requirements. (Also see LC 10.300-15 and LC 15.065).
- (1) Front Yard. No front yard will be required.
  - (2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep.
- 26. Lot Coverage. Full coverage is allowable; provided minimum parking space and setbacks have been provided.
- 28. Vision Clearance. Vision clearance for corner lots on streets with widths of less than 66 feet shall be a minimum of one foot vision clearance for each foot of street width

(M-3)

10.180-28

Lane Code

10.180-35

under 66 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb of walk level to a minimum of eight feet.

-35. Off-Street Parking. (Also see LC 10.300-05). Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

13-72; 7.21.72  
6-75; 3.26.75

10-168

WP 35401-LC7-10

10.182-05

Lane Code

10.182-15(2)

SPECIAL HEAVY INDUSTRIAL DISTRICT (M-4)

-05 Purpose. The Special Heavy Industrial District (M-4) is intended to accommodate relocation of existing heavy industrial uses which do not have sufficient room for expansion and to accommodate a limited range of other heavy industries. The District is also intended to accommodate new uses likely to benefit from local advantage for processing, preparing and storing raw materials, such as timber, agriculture, aggregate or by-products or waste products from other manufacturing processes. The retention of land in large ownerships is necessary to achieve the purposes of this District. As the necessary minimum key urban facilities and services are not available to these areas in the short term, onsite facilities may be provided on an interim basis subject to State, Federal, and local environmental quality standards. The District is also intended to recognize the interim use of land zoned M-4 for farm use and forest land production until the land is needed for Special Heavy Industrial use.

-10 Location. The Special Heavy Industrial District is to be applied where the following conditions exist:

(1) Land is designated "Special Heavy Industrial" in the Comprehensive Plan.

-15 Permitted Uses. The following types of building and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this subchapter:

(1) Lawful uses existing on a property at the time of the effective date of the application of this District to the property, and expansion or replacement of such uses which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing on the effective date of the application of this District to the property.

(2) The following agricultural uses:

(a) General farming, including, but not limited to, the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fibre products.

(b) Pastures and grazing.

(c) The raising, tending or breeding of cattle, horses, sheep, goats, bees, swine, fowl or fur-bearing animals; such animal husbandry shall not be a part of, nor be conducted in conjunction with, any livestock yard, slaughter house or animal by-product business.

(d) Dairying.

10.182-15(3)

Lane Code

10.182-15(11)

(3) The management, growing, harvesting of forest products, including Christmas tree raising, but excluding primary timbers processing operations or vehicle and/or equipment maintenance facilities.

(4) The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a use permitted in LC 10.182-15(2) above, and are not a separate business or enterprise:

- (a) Hop, nut and fruit driers.
- (b) Feed mixing and storage facilities.
- (c) Hullers.
- (d) Mint distilleries.
- (e) Seed processing, packing, shipping and storage.
- (f) Plants for the storage or packing of agricultural products on the premises.
- (g) Wine processing.
- (h) Any other similar processing and allied farm commercial activities.

(5) Sale of agricultural products and livestock grown or raised on the premises.

(6) Sales stands for agricultural products not grown nor raised on the premises, such stands to be no greater than 300 square feet in sales area.

(7) Single-family dwellings and mobile homes for persons employed on the premises and associated with a use allowed in the M-4 District.

(8) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.

(9) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(10) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells, and electric transmission lines.

(11) Kennel, provided the following conditions are satisfied:

- (a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
- (b) Where the lot area is less than 20 acres, the maximum number of dogs over four months of age shall be eight.
- (c) Where lot area is a minimum of 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from an adjoining property.
- (d) All dogs shall be owned by the kennel owner, except those temporarily kept for the purposes of breeding.

10.182-20

Lane Code

10.182-20(13)

- 20 Special Uses -- Hearings Official's Approval. The following uses area subject to approval by the Hearings Official as provided in LC 10.317:
- (1) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
  - (2) Sales stand for agricultural products not grown nor raised on the premises and which exceed 300 square feet in sales area.
  - (3) Airport, heliport or aircraft landing field associated with a use allowed in the M-4 Districts.
  - (4) Carnival or circus, outdoor.
  - (5) Sanitary landfill or resource recovery related facility.
  - (6) Rock, sand, gravel and loam excavation.
  - (7) Sewage treatment plant.
  - (8) Stable and academy, commercial riding.
  - (9) Radio or TV transmission tower.
  - (10) Facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.
  - (11) Expansion of a lawful preexisting use in excess of that allowed as a permitted use; change of use of lawful pre-existing structures to a use not otherwise allowed as an authorized use in the M-4 District.
  - (12) Uses primarily engaged in the processing, preparing and storage of the following uses and which are not otherwise allowed in the M-2 District:
    - (a) Food products (such as meat and poultry packing, fruit and vegetable canning, fish and seafood canning or curing).
    - (b) Lumber and wood products (such as sawmills, planing mills, millworks, pulp and paper mills, paper-board manufacturers)
    - (c) Stone, clay and concrete products (such as asphalt manufacturing or refining plants, brick or tile manufacturing, quarry or stone mills, rock crushing, concrete block and related products manufacturing).
    - (d) By-products and waste products from other manufacturing processes (such as fertilizer, chemicals, fuels).
    - (e) Other uses similar to the above.
    - (f) Commercial and other industrial uses customarily associated with and incidental to the above uses.
  - (13) The relocation from within Lane County of other heavy industrial uses which require large amounts of land and are not otherwise allowed in the M-2 District.

10.182-25

Lane Code

10.182-25(5)

-25 Special Use Criteria. Special uses authorized by LC 10.182-20 above shall be approved only upon submission of evidence the following criteria are met:

LC 10.182-20(1) through (10) above.

(1) The location, size, design and operating characteristics of the proposed use:

(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 intensity of use; 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), and either

(2) The proposed use can reasonably be expected to be discontinued at the time of conversion of the general vicinity from urbanizable to urban industrial use, and approval can be conditioned accordingly, or

(3) The proposed use:

(a) Will be convertible to or compatible with the future, efficient urban industrial use of the property and the general vicinity as provided in the Comprehensive Plan, and

(b) Will not require nor generate the need for the premature extension of key urban facilities and services, based upon existing long-range public facility plans to provide such services to the area and other information provided by the agency or agencies responsible for the future provision of the services.

LC 10.182-20(11) above.

(4) As listed above for LC 10.182-20(1) through (10); and

(5) Where either water or sewage disposal facilities are not to be provided by a city or an existing public or private utility or special district:

(a) Demonstration of the ability to provide such adequate on-site facilities in a manner which will be compatible with any existing long-range public facility plans to provide such services to the area and which otherwise will not result in the creation of a new, special service district, and

(b) No short-term alternative exists for the provision of such services by a city or an existing public or private utility or special district, and

10.182-25(5)

Lane Code

10.182-35

(c) The owner of the property has signed an agreement with the adjacent city which provides:

(i) The owner and his or her successors in interest are obligated to support annexation proceedings should the city, at its option, initiate annexation, and

(ii) The owner and his or her successors in interest agree not to challenge any annexation of the subject property.

(d) The agreement required in LC 10.182-25(5)(c) above shall be recorded in the Lane County Deed Records. LC 10.182-20(12 and 13).

(6) As listed above in LC 10.182-25(5).

-30 Lot Area. The minimum area for the division of new lots shall be 40 acres, except divisions of less than 40 acres shall be permitted when:

- (1) The land is in the ownership of the person who owned the land on or before (the effective date of this subchapter), and
- (2) Only one new parcel of less than 40 acres will result, and

(3) A specific development proposal for a use authorized in this District is submitted for the proposed parcel of less than 40 acres.

-35 Other Site and Development Requirements. The requirements for setbacks, coverage, vision clearance and off-street parking shall be the same as provided in the M-3 District.

Conditional Use Permits

10.320-20

Lane Code

10.320-35(2)

- 20. Criteria. A Conditional Use Permit may be granted only if the proposal conforms to all of the following criteria:
- (1) Conformity with the Comprehensive Plan for Lane County.
  - (2) The location, size, design and operating characteristics of the proposed use:
    - (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.
- 30. Conditions. Reasonable conditions may be imposed in connection with the Conditional Use Permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:
- (1) Special yards and spaces.
  - (2) Fences and walls.
  - (3) Surfacing of parking areas to requirements of County or other appropriate agencies.
  - (4) Street and road dedications and improvements (or bonds).
  - (5) Control of points of vehicular ingress and egress.
  - (6) Special provisions on signs.
  - (7) Landscaping and maintenance thereof.
  - (8) Maintenance of the grounds.
  - (9) Control of noise, vibration, odors or other similar nuisances.
  - (10) Limitation of time for certain activities.
  - (11) A time period within which the proposed use shall be developed.
  - (12) A limit on total duration of use.
- 35. Application. Application for a Conditional Use Permit 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 the 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.
- 13-72; 7.21.72  
 10-76; 1.1.77  
 5-81; 4.8.81
- 10-228
- WP 32170-LC4-29

GREENWAY DEVELOPMENT PERMIT

-01. Purpose. To establish Greenway Development Permit procedures for Greenway Development Permits for certain land use activities as required by the Statewide Willamette River [Greenway] Goal and [the] Lane County Willamette River Greenway Plan.

-05. Definitions. For the purpose of this subchapter, except as otherwise provided below, the definitions provided in LC 10.020 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used:

(1) 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.

(2) Ordinary Low Water. The low water mark 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.

(3) 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.

(4) 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.

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10.322-05(10)

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.

(5) Greenway Development Permit; Permit. A permit authorized pursuant to this subchapter or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinances 4-76 and 11-76.

(6) Change of Use. Making a different use of the land or water than that which existed on December 5, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 5, 1975. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Landscaping, construction of driveways, modifications of existing structures or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of this subchapter.

(7) 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.

(8) Develop. To construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels or to create or terminate rights of access.

(9) Development. To act, process or result of developing.

(10) Boundaries. The boundaries for the Willamette River Greenway are those adopted by the Land Conservation and Development Commission in 1977, together with any changes when and as approved by LCDC.

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10.322-10

Lane Code

10.322-10(11)

-10. Uses and Activities Subject to Greenway Development Permits.

Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zoning districts, including public improvements and including partitions and subdivisions as defined in LC 13.020, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

(1) Where the location is within areas designated as "urban" on Greenway maps adopted by the Oregon Land Conservation and Development Commission and is beyond 150 feet of the ordinary low waterline.

(2) Customary dredging and channel maintenance conducted under permit from State of Oregon.

(3) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(4) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(5) Activities to protect, conserve, enhance and maintain public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands shall require review as provided by this subchapter.

(6) Erosion control operations.

(7) Construction or use of a building other than a dwelling whether or not within 150 feet of the ordinary low waterline when the building is customarily provided in conjunction with a farm use, provided the structure does not exceed 12 feet in height nor exists for longer than six months.

(8) Farm Use.

(9) Reasonable emergency procedures necessary for the safety or protection of property.

(10) Maintenance and repair usual and necessary for the continuance of an existing use. Landscaping, construction of driveways, modification of existing structures or facilities adjacent to a residence as are usual and necessary to such use and enjoyment.

(11) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use or where the harvest is consistent with an approved permit under the Forest Practices Act:

(a) for a farm woodlot of less than 20 acres, or

(b) consistent with recommendations made by Oregon

Department of Transportation to Oregon Department of Forestry which are designed to address criteria set forth in Statewide Goal 15, sections c-h.

## Greenway Development Permit

10.322-10(12)

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10.322-15

(12) Irrigation pumps and water intakes and other utility lines in conjunction with an agricultural use.

(13) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of LC 10.322-15 and notification requirements of LC 10.322-30

(a) Planned Unit Developments, as provided in LC 10.700.

(b) Unzoned Area Development Permits, as provided in LC 9.700.

-15. Greenway Development Permit Approval. A decision to approve a Greenway Development Permit shall require findings that the proposed intensification, change of use or development conforms to the following criteria, guidelines and setback requirements:

(1) Criteria.

(a) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river.

(b) Public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

(2) Guidelines. Affirmative findings of compatibility with the Willamette River Greenway based upon due consideration and the relative importance of the following applicable guidelines:

(a) Preservation and maintenance of land designated "agriculture" in the adopted Willamette River Greenway Plan for farm use and minimize interference with the long-term capacity of lands for farm use.

(b) Protection, conservation or preservation of significant scenic areas, viewpoints and vistas.

(c) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

(d) Preserve areas of annual flooding, floodplains and wetlands.

(e) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

## Greenway Development Permit

10.322-15(2)

Lane Code

10.322-15(3)

(f) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and nonconsumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

(g) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses such as: domestic and industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

(h) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife; protect natural areas; anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass; and to control pollution sources to the river.

(i) Harvesting of timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(j) Minimize vandalism and trespass.

(k) Location of nonwater dependent and nonwater related development away from the river.

(l) Protection from erosion.

(m) Compatibility with the site and surrounding area.

(n) Protection of significant fish, wildlife habitat and natural areas.

(o) Protection and conservation of lands designated aggregate resources within the adopted Willamette Greenway Plan.

(3) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, except for those in conjunction with a water related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings are made to satisfy the following criteria:

(a) The proposal would provide better protection, maintenance, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River Greenway than would occur by observance of the setback requirement; or

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10.322-15(3)

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10.322-60

(b) The protection, maintenance, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River Greenway are not applicable to the proposal.

- 20. Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this subchapter. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:
- (1) Special yards and spaces.
  - (2) Fences and walls.
  - (3) Special off-street parking and loading requirements.
  - (4) Street and road dedications and improvements (or bonds).
  - (5) Control of points of vehicular ingress and egress.
  - (6) Special provisions on signs.
  - (7) Landscaping and maintenance thereof.
  - (8) Maintenance of grounds.
  - (9) Control of noise vibration, odors or other similar nuisances.
  - (10) A time period within which the proposed use shall be developed.
  - (11) A limit on total duration of use.
  - (12) Control of scale, bulk and coverage of proposal.

-25. Application. Application for a Greenway Development Permit shall address the approval requirements of 10.322-15 and shall be processed as provided in LC 10.317, Hearings Official Review.

-30. Additional Notice. Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing.

-60. Conflicting Provisions. In the case of any conflict between the provisions of this subchapter and other provisions in Lane Code, the more restrictive provisions shall apply.

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10.322-85

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10.322-95

- 85. Nonauthority for Public Use of Private Property. Nothing in this subchapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.
- 90. Combining and Consolidating Hearings. Nothing in this subchapter is intended to preclude the Planning Director, Hearings Official or Planning Commission to make application decisions regarding Greenway Development Permit requirements by combining or consolidating hearings in efforts of assisting the applicant and public by eliminating unnecessary separate hearings.
- 95. Nonconforming Uses. Except as modified in this section, LC 10.305- to -40 shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 10.322-05(6) and (7) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it.

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BUILDINGS

11.005 Authority for Enactment. This Chapter is enacted pursuant to the authority vested in the County by its Charter and ORS Chapters 215 and 456.

11.010 Uniform Codes. This subsection adopts the following Oregon State Building Specialty Codes and OAR as now or hereafter constituted, except as modified or supplemented in this Chapter, as the Building Codes of Lane County:

- (1) Structural Specialty Code and Fire and Life Safety Code.
- (2) Mechanical Specialty Code and Mechanical Fire and Life Safety Code.
- (3) Plumbing Specialty Code.
- (4) OAR 814-23-055 to 814-23-075, Mobile Home Installation, Tiedown and Accessory Building Requirements.

11.015 Permits, Fees and Refunds.

(1) Permits. Permits are required for all work covered by the Building Codes of Lane County and agricultural buildings.

(2) Fees. Building permit fees shall be as required by separate Order of the Board and shall not exceed the limits in ORS 456.760.

(3) Refunds. All fees are nonrefundable, except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. The amount of refund shall be determined by the Director and shall be based upon the proportion of staff time allotted to processing the permit relative to complete processing of a permit.

11.020 Designation of Building Official. In accordance with ORS 456.800, the Senior Plans Examiner, Department of Planning and Community Development, is hereby appointed as the Lane County Building Official.

11.035 Definitions. For the purposes of this Chapter, the following words and phrases shall mean:

Agricultural Building. A structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment, or for the raising, harvesting and selling of crops, or in the feeding, breeding, management and sale of, or the produce of livestock, poultry, furbearing animals or

9-74; 7.3.74  
 3-76; 4.7.76  
 9-76; 8.27.76  
 16-79; 1.18.80  
 18-80; 9.5.80

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honeybees, or for dairying and sale of dairy products, or any other agricultural or horticultural use or animal husbandry or any combination thereof, including the preparation and storage of products raised on such farm for human use and animal use and by disposal by marketing or otherwise. Sales and allowable square footage of sales areas shall be governed by Lane Code Chapter 10, "Zoning." Agricultural Building does not include:

(a) A dwelling.

(b) A structure used for a purpose other than growing plants in which persons perform more than 144 person-hours of labor a week.

(c) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476.

(d) A place used by the public.

(e) A structure subject to §§ 4001-4127, Title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder, (ORS 456.758).

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.

Architect. An individual qualified and licensed to practice architecture under ORS 671.010 to 671.220.

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

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

Building or Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built upon or composed of parts joined together in some definite manner, and shall specifically include, but shall not be limited to, house trailers which are placed upon property, other than a licensed trailer park, for the apparent use as a living unit.

Camper. A structure designed to be mounted upon a vehicle, which may or may not be permanently attached thereto.

Campground. Any lot, tract or parcel of land where two or more camping spaces are located which provide facilities for living in any manner other than in a permanent residence.

Camping Space. An individual camp space intended for overnight camping by only one camping vehicle, tent vehicle or tent.

Camping Vehicle. See "Recreational Vehicle."

Camping Vehicle Park. See "Recreational Vehicle Park."

Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single- or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

9-74; 7.3.74

6-75; 3.26.75

11-75; 9.5.76

3-76; 4.7.76

9-76; 8.27.76

16-79; 1.18.80

18-80; 9.5.80

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County Road. A public road in the County which has been expressly accepted by the Board as a part of the County road system as provided for in ORS Chapter 368, or a road which has been adjudicated to be a part of the County road system by a court of competent jurisdiction, and which road the County thereafter has the obligation for its maintenance or improvement.

Department. The Department of Planning and Community Development of the County.

Development. A human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Director. The Director of the Department of Planning and Community Development of the County or his or her duly authorized representative.

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

Engineer. An individual who is registered in the State of Oregon and holds a valid certificate to practice a particular branch of engineering as provided by ORS 672.020.

Engineer Designed Fill. The depositing of earth material placed by artificial means and compacted to a minimum of 90 percent of maximum density as determined by ASTM test method D1556-58T.

Existing Mobile Home Park. Any lot where two or more permanent mobile homes are located or proposed to be located for the primary purpose of being rented or leased for residential purposes, for which the construction of facilities for servicing the lot on which the mobile home is 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) is completed.

Expansion of an Existing Mobile Home Park. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

9-74; 7.3.74  
6-75; 3.26.75  
11-75; 9.5.76  
3-76; 4.7.76

9-76; 8.27.76  
16-79; 1.18.80  
18-80; 9.5.80

11-3

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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.

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

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.

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

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.

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.

Floodproofing. Any combination of structural and non-structural 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.

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.

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.

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

Frontage. The entire lot or parcel line which abuts any public road, approved private road or approved private road easement.

Individual Sewage Facility. A privately owned sewerage facility which serves a single- or two-family residence, dwelling or mobile home for the purpose of disposal of domestic waste products.

Individual Water System. A privately owned water supply system which serves a single- or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

9-74; 7.3.74      9-76; 8.27.76  
 6-75; 3.26.75      16-79; 1.18.80  
 11-75; 9.5.76      18-80; 9.5.80  
 3-76; 4.7.76

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Land Surveyor. An individual who is registered in the State of Oregon and holds a valid certificate to practice land surveying in this State as provided by ORS 672.025.

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.

M.A.W. Minimum average width.

Mobile Home. A vehicle or structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, is intended for residential purposes, is identified by the manufacturer as a mobile home and not as a recreational vehicle and is not regulated under Chapter 50 of the Structural Specialty Code adopted pursuant to ORS 456.750 through 456.885 (Modular Homes).

Mobile Home Park. Any lot where more than one permanent mobile home is located or proposed to be located for the primary purpose of being rented or leased for residential purposes, except as otherwise allowed by Lane Code Chapter 10.

"100 year flood". See "Base Flood"

Public Road. Any legal State or County road or any other road which has been dedicated to the use of the public by the Board and placed on record or by a map or plat presented to and accepted by the Board, but shall specifically exclude forest service road, BLM road, any gateway or way of necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use.

Public Sewerage Facility. A sewerage facility, whether publicly or privately owned, which serves a sole user for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Public Water System. A water supply system, whether publicly or privately owned, which serves a sole user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption.

Recreation Park. See "Campground" and "Recreational Vehicle Park."

9-74; 7.3.74  
 15-74; 2.28.75  
 6-75; 3.26.75  
 11-75; 9.5.75  
 3-76; 4.7.76  
 9-76; 8.27.76  
 16-79; 1.1.80  
 18-80; 9.5.80

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11.035

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Recreational Vehicle. A trailer or other unit with or without motive power which is designed for human occupancy and used temporarily for recreational or emergency purposes, has a floor area of less than 220 square feet, excluding built-in equipment such as kitchen units, cabinets and closets, or which otherwise meets Oregon Administrative Rules for classification as a recreational vehicle.

Recreational Vehicle Park. Any lot where two or more spaces are provided for temporary use of campers, travel trailers or other recreational vehicles.

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

Sanitary Dump Station. A sewage facility for disposal of sewage and liquid wastes from self-contained camping vehicles.

Sewerage 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.

Start of Construction. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For mobile homes not within mobile home parks, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is complete.

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.

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 purposes 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 for improvement of a structure to comply with existing

9-74; 7.3.74

15-74; 2.28.75

6-75; 3.26.75

11-75; 9.5.75

16-79; 1.1.80

18-80; 9.5.80

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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.

Travel Trailer or Tent Trailer. A trailer with or without sanitary or kitchen facilities that is of a type designed for use on the highways for temporary recreational purposes.

Vacation Trailer. See "Recreational Vehicle."

Waste Water Disposal Station. A sewage facility for disposal of liquid wastes.

Water Hydrant. A discharge pipe with a valve and spout at which water may be drawn from an approved water system for domestic purposes.

Water System. A source of water and any associated distribution system for water.

11.040 Permit Denial Standards - Water Supplies. Permits shall be denied when the proposed structure or structures will be served by a community or public water supply as defined in LC 9.552 that has not received required State and County approvals, or for which a complaint as to a public health hazard or an inadequate water supply has been filed within the preceding six months with the Administrator of the Health Division of the Oregon Department of Human Resources and such complaint is still pending final action.

9-74; 7.3.74  
 15-74; 2.28.75  
 6-75; 3.26.75  
 11-75; 9.5.75  
 16-79; 1.1.80  
 18-80; 9.5.80

11.300-05

Lane Code

11.300-25

HISTORIC STRUCTURES OR SITES

-05. Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This subchapter is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

-10. Definitions. For the purpose of this subchapter, the definitions provided in Lane Code, Chapter 11.035 shall be applicable to this subchapter, unless otherwise provided herein:

Historic Structure or Site. Property currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (PL 89-655). (See LM 11.300)

-15. Permit Required. No person may alter or demolish any Historic Structure or Site as defined in this subchapter, unless a permit to do so has been issued by the Building and Sanitation Division of the Department of Planning and Community Development upon review in accordance with the provisions of this subchapter.

-20. Issuance of Permits. An application for a permit to alter or demolish an Historic Structure or Site shall be made by the owner or his or her authorized agent in the same manner as provided for in this chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

-25. Planning Director Review. 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 LC 11.300-30 below. The application shall be processed in the manner provided for in LC 10.316. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

11.300-30(1)

Lane Code

11.300-35(4)

-30. Criteria.

(1) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met:

(a) Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(2) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(a) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(b) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

-35. Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(1) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(2) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(3) All designated building, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

11.500

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11.520

FLOOD HAZARD AREAS

11.500 Statement of Purpose. It is the purpose of this subchapter to promote the public safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health.
- (2) To minimize expenditure of public money for costly flood control projects.
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of flood hazard;
- (5) To ensure that those who occupy the areas of flood hazard assume the responsibility for their actions.

11.505 Authority to Designate Flooding Areas. Where the Board has determined an area is subject to flooding, or surface water, necessitating special building and development requirements to prevent property damage and safeguard the life and health of the residents of the area and the general public, the Board may designate the area as a flood hazard area subject to the requirements of this subchapter.

11.510 Designation of Flood Hazard Areas. Those portions of Lane County that have been designated as flood hazard areas are shown as "zone A" on the Federal Flood Hazard Boundary Maps (FHBM), dated February 10, 1981. This series of maps are hereby referenced and included in the adoption ordinance, as if fully set forth therein, and declared to be a part of this subchapter. The series of maps are located in the Department of Planning and Community Development.

11.515 Designation of the Administrator. The Director of the Department is hereby appointed to administer and implement this subchapter. In areas of flood hazard the Director shall review all development and building proposals to determine that the requirements of this subchapter have been satisfied.

11.520 Flood Hazard Studies. Flood hazard studies shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this subchapter.

11.525

Lane Code

11.525(2)

11.525 Provisions for Flood Hazard Reduction. Permit Issuance:

All development occurring, or structures being erected, repaired, located or relocated in areas of flood hazard, must first obtain a permit, except as specifically exempted by the provisions of LC 11.535 below. The degree of flood hazard shown on such flood hazard studies referenced in LC 11.520 above will dictate precautions that must be taken to protect the development site or structure from base flood levels.

(1) In a flood hazard area where base flood elevations have not been established:

(a) The permit applicant shall be notified that the development site is in an Approximate Flood Hazard Study Area and extra precautions may be appropriate to assure that the site will be reasonably safe from flooding.

(b) Mobile home approved tiedowns are required in order to resist flotation, collapse or lateral movement and must be installed within 30 days of placement. Tiedowns shall be installed in a manner to comply with State standards.

(c) Require that development greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.

(2) In all flood hazard areas where base flood elevations have been established, including such elevations established in accordance with the provisions of LC 11.525(1)(c) above, the Director shall require:

(a) All new construction and substantial improvements of residential dwellings to have the lowest habitable floor (including the basement and mechanical systems) elevated to one foot above the base flood elevation.

(b) All new construction and substantial improvements of structures, other than dwellings, to have the lowest floor (including basement and mechanical systems) elevated to one foot above the base flood elevation, or together with attendant utility and sanitary facilities, to be designed so that below the base flood level, the structure shall meet floodproofing standards and certification requirements of the State Uniform Building Code.

(c) All new construction and substantial improvements of agricultural structures to have the lowest floor elevated to one foot above the base flood elevation, or that the structure be elevated on an engineer-designed fill so that the lowest floor is one foot above the base flood elevation, or that the structure be designed by an engineer or architect, who shall certify that the floodproofing methods and/or design of the structure are adequate to withstand the flood depths, pressures, velocities, impact or uplift forces and other factors associated with the base flood.

11.525(2)

Lane Code

11.525(4)

(d) Replacement mobile homes in existing mobile home parks to be anchored with approved tiedowns in order to resist flotation, collapse or lateral movement.

(e) New mobile home parks, the expansions to existing mobile home parks and for existing mobile home parks, where the repair reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, that stands or lots are elevated on an engineer-designed fill or on engineer designed pilings so that the lowest floor of the mobile home will be one foot above the base flood elevation.

(f) All new mobile homes or replacement mobile homes not in a mobile home park to be elevated so that the lowest floor of the mobile home will be one foot above the base flood elevation. No mobile home pier shall exceed 72 inches, nor shall more than 20 percent of the piers exceed 40 inches, in height unless the mobile home is placed on piers, stands or lots elevated on engineer-designed fill or on engineer-designed pilings.

(g) That subdivision proposals and other proposed new development be reviewed to determine whether such proposals will be reasonably safe from flooding.

(h) All public utilities and facilities appurtenant to the application of the requirements of Lane Code Chapters 9, 10, 11, 13, 14, and 15, such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage and to improve drainage.

(3) In all designated regulatory floodways, the Director shall require:

(a) All partitions, subdivisions or land divisions not be permitted if the development site for the structure is inside the floodway boundary or unless an engineering analysis can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase base flood levels during the occurrence of a base flood discharge.

(b) That no development occur inside the floodway boundary, unless the developer has a Federal or State permit to do so, or unless an engineering analysis can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase base flood levels during the occurrence of a base flood discharge.

(4) Replacement in kind shall comply with standards for new construction.

11.525(5)

Lane Code

11.540(4)

(5) The lowest floor elevation (including basement and mechanical systems), foundation elevation, ground elevation or top of floodproofing elevation required in conjunction with building permit issuance shall be certified in mean sea level datum by a land surveyor or engineer and the certification filed with the Department. The certification must be filed within 30 days of completion of that part of the structure required to be certified.

(6) All roads constructed in a flood hazard area shall be designed so as to permit access for emergency vehicles during the occurrence of a base flood.

(7) That in riverine situations, adjacent communities and the State Coordinating Officer be notified prior to any alteration or relocation of a watercourse, and that copies of such notification be submitted to the Federal Administrator.

(8) That the flood carrying capacity within the altered or relocated portion of any watercourse be maintained.

11.530 Conditions. The requirements of LC 11.525 above are conditions established for permits issued within a flood hazard area and compliance with the conditions established is required. Any departure from these conditions constitutes a violation of this subchapter.

11.535 Exceptions. LC 11.525 above shall not apply when specifically waived in accordance with Federal or State laws governing the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.

11.540 Variances.

(1) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute and will not be modified by the granting of a variance.

(2) Variances shall only be issued by Lane County upon showing good and sufficient cause based on scientific technical data that has been compiled by a surveyor, engineer or architect. It must be determined that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public or conflict with local laws or ordinances.

(3) Application. Application for a variance shall be filed with the Director, on the form prescribed, by any person with a legal interest in the property.

(4) Review. The Director shall review all applications and data submitted by applicant. The Director shall determine whether the evidence supports a finding that the variance criteria have been met, and shall approve, approve with conditions or deny the application

11.540(4)

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11.545

accordingly. The decision shall be made in writing and mailed to the applicant within five working days of the decision. If the decision is to approve the request, the notice of said approval and appeal procedure shall be sent in the same manner to the owners of property within 100 feet of the exterior boundaries of the contiguous property ownership involved.

(5) Conditions. Compliance with conditions imposed in the variance are required and any departure from these conditions constitutes a violation of this subchapter.

(6) Any person aggrieved of a decision made by the Director can appeal to a Hearings Official. (See Lane Code Chapter 14, "Appeals.")

11.545 Fees. Fees established by Board Order for floodplain permits or variances will be required by this section to defray the cost of processing the application.

13.080

Lane Code

13.085

as follows for any subdivision that is proposed to be located in an area previously designated by the County as having potential or known problems in the quantity or quality of available water:

(a) When production test wells are required, they shall be completed prior to approval of subdivision tentative plan. The wells shall be in sufficient number and distribution pattern to represent the total area of the subdivision. The pattern used for the test wells shall be approved by the Director of the Environmental Health Division prior to drilling and the minimum number of test wells shall be as follows:

<u>Average Lot Size</u>	<u>Required Number of Test Wells</u>	Round all
1 to 4 acres	Total number of Lots 8	fractions
5 to 10 acres	Total number of Lots 12	to next
over 10 acres	As may be required by Environmental Health Division	highest number

A tentative plan may be considered for conditional approval prior to the actual construction or testing of the required wells so that the location or possible need for the wells may be better determined.

(b) No construction or development work shall be started following conditional approval of a tentative plan or partition map until all required water tests are completed and approved.

13.085 Dangerous Areas. Any area known to be dangerous for road or building development by reasons of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, floodplain, inundation or erosion or any other dangerous condition shall not be divided or used for development, except under special consideration and restriction. Special consideration and restriction shall consist of a detailed report by a professional engineer stating the nature and extent of the hazard and recommending means of protecting life and property from the potential hazard and/or the County shall impose limitations designed to minimize the known danger on development commensurate with the degree of hazard. Areas of erosion or potential erosion shall be protected from loss of soil and vegetative cover by appropriate means which are compatible with the environmental character, such as restricting grading or building or constructing erosion control devices. Areas of flood plains, water areas and wetlands shall be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow and natural functions. Structures will be required to maintain a floor elevation consistent with LC 11.500 (Flood Hazard Areas). Areas of unstable surface or subsurface conditions shall be protected from movement by appropriate means which are compatible with environmental character, such as restricting grading or building or constructing suitable structures. Areas which are located within a designated floodway, unless a permit pursuant to LC 11.525 has been granted, shall be restricted from any building development or the installation of any permanent structure. The County may require that special development

5-75; 3.26.75  
18-80; 9.5.80

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13.100(3)

recommendations and/or restrictions as to location of building or other development be made a matter of public record when it is deemed necessary to ensure proper disposition of the dangerous area. If the restrictions are considered permanent, they shall be shown on the plat or map, and if temporary in nature, shall be recorded by separate document by the partitioner or subdivider prior to the recording of the plat or map.

13.090 Grading, Excavation and Clearing. Grading and clearing of any portion of a division by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

13.095 Land for Public Purpose. When the County, a school district or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the County may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed six months from date of Chairman's approval of a subdivision tentative plan.

13.100 Preparation, Survey and Monumentation of Division.

(1) All tentative subdivision plans, subdivision plats and surveys, and monumentation thereof, shall be made by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor. However, the lot design and layout portion of a tentative subdivision plan may be made by a qualified architect or a landscape architect licensed by the State of Oregon.

(2) All major partition maps, and surveys and monumentation thereof, shall be made by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor.

(3) A minor partition map may be prepared by the owner or his or her authorized agent. If the County determines that the location or dimensions of the boundary lines are in question or critical to the status of the partition or adjoining lands, it may conditionally approve the partition subject to a survey of the parcels or, if appropriate, verification of the original boundary lines shown on the map. Such work shall be completed by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor. When verification of the boundaries is a condition of approval, the verification may be based on a field survey of the land or it may be based on appropriate filed data, if available.

13.100(4)

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13.105(2)

(4) All survey monumentation, and delayed monumentation work, shall be as required by ORS Chapter 92 and may be reasonably required by the County surveyor. All survey work shall be subject to inspection and approval by the County Surveyor.

13.105 Tentative Plan, Map, and Plat Specifications.

(1) Partition Tentative Plans and Maps. Tentative plans and maps for major or minor partitions shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be micro-filmed without loss of detail. The drafting material and the lettering and drawing shall have characteristics of adequate strength and permanency as well as suitability for binding as may be specified by the County Surveyor. The overall size of the plan or map shall be 11 inches by 17 inches, or two sheets 8 1/2 inches by 11 inches. The format of the plan or map shall be in accordance with specifications established by the Planning Division. The Planning Division shall provide suitable materials for plans or maps upon request.

(2) Subdivision Tentative Plans and Plats.

(a) Tentative plans for subdivisions shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The plans shall be drawn on a transparent material suitable for reproduction. The drawings shall be on standard size sheets 18 inches by 27 inches with the format being in accordance with specifications established by the Planning Division.

(b) Plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be micro-filmed without loss of detail. The drafting material and the lettering and drawing thereon shall have characteristics of adequate strength and permanency as well as suitability for binding and copying as specified by the County Surveyor. The overall size of plats shall be 18 inches by 27 inches. The County Surveyor may establish the format to use for plats.