

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 11-91A

FILED

AUG 05 1991

COUNTY CLERK
FOR LANE COUNTY OR
BY *Shirley K. Dubois*

) IN THE MATTER OF AMENDING CHAPTER 16
) OF LANE CODE TO REVISE THE NONIMPACTED
) FOREST LANDS (F-1, RCP), IMPACTED FOR-
) EST LANDS (F-2, RCP) AND PARK AND RE-
) CREATION (PR-RCP) ZONES TO MAKE CERTAIN
) PERMITTED USES SUBJECT TO DIRECTOR AP-
) PROVAL, REVISE THE SITING STANDARDS FOR
) NEW STRUCTURES, AND ADD NOTICE REQUIRE-
) MENTS FOR DWELLING OR LAND DIVISION
) APPEALS; REMOVE THE AGRICULTURE/FOREST
) (AF, RCP) ZONE; MAKE HOUSEKEEPING
) CHANGES; AND ADOPTING A SEVERABILITY
) CLAUSE AND FINDINGS

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

Chapter 16 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

16.005(2) - 16.005(4),
i.e. 16-3
(a total of one page)

16.011 - 16.012,
i.e. 16-7
(a total of one page)

16.100(1) - 16.100(4) to
16.211(10) - 16.211(10),
i.e. 16-28 to 16-50
(a total of 36 pages)

16.215(1) - 16.215(3) to
16.215(10) - 16.215(10),
i.e. 16-77 to 16-81f
(a total of 14 pages)

16.005(2) - 16.005(4),
i.e. 16-3
(a total of one page)

16.011 - 16.012,
i.e. 16-7
(a total of one page)

16.100(1) - 16.100(3) to
16.211(10) - 16.211(10),
i.e. 16-28 to 16-50
(a total of 34 pages)

16.215(1) - 16.215(2) to
16.215(10) - 16.215(10),
i.e. 16-77 to 16-81e
(a total of 13 pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to amend the Nonimpacted Forest Lands (F-1, RCP), Impacted Forest Lands (F-2, RCP) and Park and Recreation (PR-RCP) zones to make certain permitted uses subject to Di-

1 - IN THE MATTER OF AMENDING CHAPTER 16 OF LANE CODE TO REVISE THE NONIMPACTED FOREST LANDS (F-1, RCP), IMPACTED FOREST LANDS (F-2, RCP) AND PARK AND RECREATION (PR-RCP) ZONES TO MAKE CERTAIN PERMITTED USES SUBJECT TO DIRECTOR APPROVAL, REVISE THE SITING STANDARDS FOR NEW STRUCTURES, AND ADD NOTICE REQUIREMENTS FOR DWELLING OR LAND DIVISION APPEALS; REMOVE THE AGRICULTURE/FOREST (AF, RCP) ZONE; MAKE HOUSEKEEPING CHANGES; AND ADOPTING A SEVERABILITY CLAUSE AND FINDINGS

rector approval, revise the siting standards for new structures, and add notice requirements for dwelling or land division appeals; remove the Agriculture/Forest (AF, RCP) zone; make housekeeping changes; and adopting a severability clause and findings.

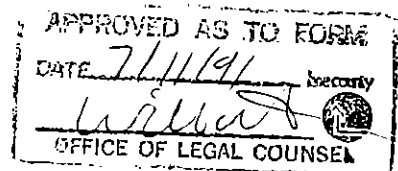
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such section or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

While not part of this Ordinance, findings in attached Exhibit "A" are adopted in support of this decision.

Enacted this 31st day of July 1991.

[Signature]
Chair, Lane County Board of Commissioners

[Signature]
Recording Secretary for this Meeting of the Board



2 - IN THE MATTER OF AMENDING CHAPTER 16 OF LANE CODE TO REVISE THE NONIMPACTED FOREST LANDS (F-1, RCP), IMPACTED FOREST LANDS (F-2, RCP) AND PARK AND RECREATION (PR-RCP) ZONES TO MAKE CERTAIN PERMITTED USES SUBJECT TO DIRECTOR APPROVAL, REVISE THE SITING STANDARDS FOR NEW STRUCTURES, AND ADD NOTICE REQUIREMENTS FOR DWELLING OR LAND DIVISION APPEALS; REMOVE THE AGRICULTURE/FOREST (AF, RCP) ZONE; MAKE HOUSEKEEPING CHANGES; AND ADOPTING A SEVERABILITY CLAUSE AND FINDINGS

ORDINANCE NO. 11-91A EXHIBIT "A"

1. On January 24, 1991 the Land Conservation and Development Commission ("LCDC") acknowledged Lane County's Rural Comprehensive Plan ("RCP") and land use regulations, with respect to compliance with Statewide Planning Goal 4, with signing of the acknowledgment order delayed until certain amendments identified by LCDC were adopted by Lane County. These amendments were identified in the January 10, 1991 DLCD staff report for Lane County's acknowledgment of compliance request.
2. At its regular meeting on July 9, 1991, the Lane County Board of Commissioners ("Board") conducted the first reading of this ordinance, and at its regular meeting on July 31, 1991, the Board conducted the second reading of this ordinance, held a duly noticed public hearing, accepted testimony and reviewed the proposed amendments.
3. Order to comply #1 of the January 10, 1991 DLCD staff report required Lane County to delete destination resorts from LC 16.210(2)(q) (F-1 zone) and 16.211(2)(q) (F-2 zone). LCDC's reason for this request was based upon their interpretation that the destination resort requirements in ORS 197.435 to ORS 197.465 and Goal 8 require counties to complete a county wide inventory of developable areas for destination resorts before destination resorts can be authorized as permitted uses in forest zones. This ordinance deletes destination resorts from the F-1 and F-2 zones and therefore complies with LCDC's request and Goal 4.
4. Order to comply #2 of the January 10, 1991 DLCD staff report required Lane County to incorporate certain "weighing" of the siting standards into the F-1, F-2 and PR zones and to make these standards applicable to all residences and structures. In response to this in order to comply, Lane County has:
 - a. Incorporated the following "weighing" language from OAR 660-06-029, "A governing body shall weigh the standards in OAR 660-06-029 together with the requirements in OAR 660-06-035 to identify the building site.", into the preambles of the siting standards of the F-1, F-2 and PR zones which state, "The standards in LC 16.____ below shall be weighed together with the requirements in LC 16.____ to identify the building site." Since the LC 16 code language for the weighing of the siting standards in the F-1, F-2 and PR zones incorporates the OAR 660-06-029 language, the weighing standard in Lane Code complies with Goal 4 as implemented by OAR 660-06-029.
 - b. Revised sections LC 16.210(6)(a)&(b) (F-1 zone), LC 16.211(8)(a)&(b) (F-2 zone) and LC 16.215(10)(a)&(b) to delete all references limiting these standards to big game habit areas, with the result that these standards have now become applicable to all areas. This therefore complies with the LCDC in order to comply with Goal 4 and OAR 660-06-029.

5. Order to comply #3 of the January 10, 1991 DLCD staff report required Lane County to amend LC 16.210(6)(a)(i) (F-1 zone), LC 16.211(8)(a)(i) (F-2 zone) and LC 16.215(10)(a)(i) (PR zone) to require consideration of three additional wildfire siting standards and to read as follows, "Near residences on other tracts, near existing roads, on the most level part of the tract, at least 30 feet from any ravine, ridge or slope and on the least suitable portion of the tract for forest use."

In response to this order to comply, Lane County has adopted the following siting standards, as required by LCDC, into LC 16.210(6)(a)(i) (F-1 zone), LC 16.211(8)(a)(i) (F-2 zone) and LC 16.215(10)(a)(i) (PR zone): "Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use, and at least 30 feet from any ravine, ridge or slope." Since these specific requirements are the ones Lane County was required by LCDC to adopt, these requirements comply with Goal 4 and OAR 660-06-029.

OAR 660-06-029 provides that the siting standards in -029(1), or their equivalent, shall apply to new dwellings and structures. The rule suggests that equivalent standards satisfying these requirements may include; (1) clustering the dwelling near or among existing dwellings, (2) siting the dwelling close to existing roads, (3) setbacks from adjoining properties, and (4) siting the dwelling on that portion of the parcel least suited for growing trees. Based upon the following findings, Lane County has adopted specific standards into LC 16.210(6) (F-1 zone), LC 16.211(8) (F-2 zone) and LC 16.215(10) (PR zone) which are the equivalent of the siting standards in OAR 660-06-029(1):

Finding 1: OAR 660-06-029(1)(a) requires, "The dwelling and structures be sited on the parcel so that they shall have the least impact on nearby or adjoining forest operations; The Oregon Forest Practices Act (FPA) regulates forest operations and establishes minimum standards that protect forest resources, including soil, water and air. In the case of herbicide applications, the FPA requires that when applying herbicides by aircraft, the operator shall leave an unsprayed strip of at least 60 feet adjacent to such dwellings. The requirement of leaving an unsprayed strip of 60 feet may mean that the operator must stop spraying a considerable distance away from any dwelling to avoid any drift within the 60 foot unsprayed strip. The actual distance which is left unsprayed will depend upon site specific conditions at the time of the spraying, but 200 feet is a general guideline. LC 16.210(6)(b) (F-1 zone), LC 16.211(8)(b) (F-2 zone) and LC 16.215(10)(b) require a 500 foot setback from adjoining property zoned F-1 which more than adequately addresses the concerns for spraying and felling operations occurring on properties zones F-1. More than one million acres of forest land in Lane county are zoned F-1, and property in this zone is primarily used for commercial forest management. These section of Lane Code also requires a setback of 100 feet from property zoned F-2 and EFU. The 100 foot setback also addresses the concerns for a 60 foot setback for spraying and a setback for tree felling. Most tree felling operations will not occur in a manner that trespasses on adjacent property, so a greater setback from F-2 and EFU zoned property does not appear necessary.

Finding 2. OAR 660-06-029(1)(c) requires, "The amount of forest land used to site access roads, service corridors, the dwelling and structures is minimized". LC 16.210(6)(a)(i) (F-1 zone), LC 16.211(8)(a)(i) (F-2 zone) and LC 16.215(10)(a)(i) (PR zone) contain the following standards which accomplish the purpose of the above referenced OAR: "Near residences on other tracts" - this discourages the introduction of residences into undeveloped forest areas and therefore "minimizes the use of forest land"; "near existing roads" - by encouraging dwellings to locate near existing roads, this requirement minimizes the construction of new roads and the use of forest land for such roadways; "on the least suitable portion of the tract for forest use" - this minimizes use of forest land by requiring that the least suitable forest land be considered for the homesite or structure.

Finding 3. OAR 660-06-029(1)(b) requires, "The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;". The requirements discussed in Findings 2 and 3 above ensure that farming and forest practices will not be curtailed or impeded for the reasons mentioned therein.

Finding 4. OAR 660-06-029(1)(d) requires, "The risks associated with wildfire are minimized." LC 16.210(6) (F-1 zone), LC 16.211(8) (F-2 zone) and LC 16.215(10) (PR zone) require that dwellings be sited, "near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use, and at least 30 feet from any ravine, ridge or slope." In addition, these zones establish fire break standards and road design construction standards for residences which are designed to minimize fire hazard. The primary factors in locating a dwelling to minimize the risks associated with wildfire are slope, length of access and fuels. Fire spreads faster and burns hotter as slope steepens. Steepness of slope also complicates fire equipment access, control efforts and fuel modification. Therefore, dwellings should be located on a level portion of the parcel. Homes should not be located on steep slopes or near steep slopes. Natural features which should be avoided when locating homes and access roads include narrow canyons and draws. These features serve as natural chimneys and intensify fire behavior. If the level portion of the parcel is the top of a ridge, the dwelling should be located at least 30 feet back from the slope. The dwelling should be sited to make the access road as short and flat as possible. Short and flat roads will minimize the difficulty in gaining access to the dwelling in case of fire and will also reduce the amount of maintenance needed to keep the road in a condition which is usable by fire fighting equipment. Powerlines are much like access roads. They should be kept as short and on terrain which is as flat as possible. Therefore dwellings should be sited to minimize the length of the powerline serving the homesite. Minimizing the length of the powerline will reduce right-of-way maintenance and minimize the risk of trees and limbs touching the line and causing a fire. Consistent with the guidance above, dwellings, where possible should be located in areas of light fuel that can be maintained as light fuel. The above cited sections of Lane Code also require the owners of the dwelling and structures to maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting equipment vehicles in accordance with the provision in "Protecting Your Home from Wildfire," (NFPA). Lane County's proposed standard for fuel breaks includes a secondary fuel break. Additionally, the fuel break, is in

accordance with "Protecting Your Home from Wildfire." "Protecting Your Home from Wildfires" (page 17) states that: "As the slope of the lot increases, additional clearance as far out as 100 feet may be necessary. Beyond the primary break, a secondary fuel break should be required that is free of dead wood and ladder fuels. Older trees should be thinned. While "Protecting Your Home from Wildfire" establishes minimum standards for adoption by the County, the Department of Forestry, in a October 3, 1990 letter offered the recommendations for fuel breaks which Lane County incorporated into the forest zones.

6. Order to comply #4 of the January 10, 1991 DLCDC report required Lane County to delete the Agriculture Forest AF zone. LCDC believed that an unjustified component of the zone was the inclusion of the F-2 minimum parcel size which Lane County had not yet justified as complying with the requirements of OAR 660-06-026(a). Since this ordinance deletes the AF zone and all references thereto, it complies with the LCDC directive. This ordinance also complies with Goal 4, because it postpones adoption of the AF zone until such time as a minimum area requirement is developed in compliance with OAR 660-06-026.
7. Order to comply #5 of the January 10, 1991 DLCDC report required Lane County to, "Amend the F-1 and F-2 zones to require notice for certain uses consistent with Doughton v. Douglas County, 88 Or App 198 (1987) and ORS 197.015(10)(b)(A) and (C) as follows: Delete those uses under subsections (g), (k) and (o) from LC 16.210(2) (F-1 Zone) and from LC 16.211(2) (F-2 Zone) and add them to LC 16.210(3) and to LC 16.211(3)." This requirement was to respond to objections raised by 1000 Friends. Local government actions excluded from that definition are listed in ORS 197.015(10)(b)(A) and (C) as a decision "Which is made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgment." The uses moved to a Director review have been identified by LCDC or 1000 Friends as having one or more elements of a "land use decision". The Code amendments before the Board delete certain uses from the permitted category and move them to Director review limited to determining that the use fits the classification of the zoning. Notice of the Director's decision will be provided as required by LC chapter 14. Since these amendments change the status of certain uses from outright permitted uses to subject to Director review and notice, the amendments comply with ORS 197.015(10) and satisfy the order to comply.
8. A number of housekeeping changes have been made including the following two changes to address comments and objections from 1000 Friends:
 - a. LC 16.100(3) has been amended to provide DLCDC and the State Department of Forestry with notice of appeals to the Hearings Official. This section of Lane Code already provides as DLCDC and the State Department of Forestry with notice of a Director's decision for a forest or nonforest dwelling or a land division. Since OAR 660-06-004(1) requires notice to DLCDC and the State Department of Forestry for land use decisions for dwellings and land divisions, and since this notice will be provided for both the original decision and for appeals to the Hearings Official, this amendment complies with OAR 660-06-004(1).

- b. The fire safety provisions of the F-1, F-2 and and PR zones have been amended to substitute "shall for "should" where indicated to more clearly require compliance rather than suggested compliance as one might interpret the meaning of "should". This amendment is consistent with OAR 660-06-035 which requires the application of the fire safety standards to new dwellings and structures.
9. Lane Code 16.252 (2) requires that amendments to Lane Code Chapter 16 be consistent with applicable Rural Comprehensive Plan elements and with the Statewide Planning Goals. Based on the record of these proceedings and the findings included above, the Board concludes the proposed amendments to Lane Code Chapter 16 contained in this ordinance comply with Statewide Planning Goal 4, OAR 660, Division 6, and applicable RCP or Lane Code requirements.

(2) Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for either road and/or development purposes may be restricted or regulated by the Approval Authority either at the time of approval of a development permit or of an application 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.

(3) Conditions. The following conditions may be imposed at the time of approval of a development for which a permit or application is required and for which a finding has been made as required in LC 16.005(2) above in order to ensure site and area stability:

(a) Maintain vegetation and eliminate widespread destruction of vegetation.

(b) Carefully design new roads and buildings with respect to:

(i) Placement of roads and structures on the surface topography.

(ii) Surface drainage on and around the site.

(iii) Drainage from buildings and road surfaces.

(iv) Placement of septic tank disposal fields.

(c) Careful construction of roads and buildings:

(i) Avoid cutting toeslopes of slump blocks.

(ii) Careful grading around the site, especially avoiding oversteepened cut banks.

(iii) Revegetating disturbed areas as soon as possible.

(d) Certification by a geologist or engineer that the above conditions have been complied with and/or that a hazard does not exist.

(4) Sensitive Bird Habitat Protection Standards and Criteria. All uses or activities permitted or conditionally permitted within the zones identified in LC 16.005(4)(a) below shall be subject to the additional procedures and requirements in LC 16.005(4)(b)-(g) below, provided such uses are located on property identified as a sensitive bird habitat area via Rural Comprehensive Plan Flora and Fauna Policy 18 and LM 11.400.

(a) Applicable Zones.

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212

16.011 Introductory Provisions. In order to achieve the purposes outlined in LC 16.003, and to assure that the development and use of land in Lane County conforms to the Rural Comprehensive Plan, zone classifications have been established for all unincorporated areas outside of adopted urban growth boundaries and within Lane County. These zones specify regulations for the use of land and property development standards, and use applied by boundaries indicated on the Lane County Rural Comprehensive Plan Zoning Maps.

16.012 Zone Classifications. For the purpose of this Chapter of Lane Code, the following zones are hereby established:

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML RCP	16.214
Park and Recreation	PR-RCP	16.215
Quarry and Mining Operations	QM-RCP	16.216
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Historic Structures or Sites Combining	/H-RCP	16.233
Natural Estuary	/NE-RCP	16.234
Conservation Estuary	/CE-RCP	16.235
Development Estuary	DE-RCP	16.236
Significant Natural Shorelands Combining	/SN-RCP	16.237
Prime Wildlife Shorelands Combining	/PW-RCP	16.238
Natural Resources Conservation Combining	/NRC-RCP	16.239
Residential Development Shorelands Combining	/RD-RCP	16.240
Shorelands Mixed Development Combining	/MD-RCP	16.241
Dredge Material/Mitigation Site		

7-87; 6.17.87
17-87; 12.25.87
12-90; 10.11.90

16-7

WP 1/co/00052/C
REV: 1/cr/00112/C

DEVELOPMENTAL APPROVAL PROCEDURESBOOK **148** PAGE **1189**RURAL COMPREHENSIVE PLAN

16.100 Development Approval Procedures - Relationship of Lane Code Chapter 14 into Lane Code Chapter 16. Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

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

(2) Special Notice and Review Requirements for a dwelling or Mobile Home Subject to Director Approval in the Exclusive Farm Use (E) Zone, LC 16.212(3)(c). When reviewing an application for a dwelling or mobile home conditionally permitted by LC 16.212(3)(c) below, the Director shall:

(a) In addition to the requirements of LC 14.070 (1) for a decision to approve an application in LC 16.100(2) above, specify in the notice that, "persons have 15 days following the date of postmark of the notice to file a written objection on the grounds only that the dwelling or mobile home, or activities associated with either residence, would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use."

(b) In addition to the requirements of LC 14.100(4), notice of a decision to approve an application in LC 16.100(2) above shall be mailed to persons who have requested notice of such applications and who have paid a reasonable fee imposed by the County to cover the cost of such notice.

(c) In addition to the requirements of LC 14.515(3)(d), an objection received within 15 days of the notice which factually alleges a significant change in or significant increase in the costs of accepted farming practices in nearby lands devoted to farm uses shall constitute sufficient assignment of error by the Approval Authority.

(d) A decision to approve or deny an application identified in LC 16.100(2) above shall become final unless appealed in the manner provided in LC 16.100(2)(a)-(c) above and LC Chapter 14, and unless the appeal is submitted to the Department within 15 days of the date of postmark for the notice of the decision by the Approval Authority.

(3) Special Notice Requirements for Certain Pending Land Use Decisions in Forest Zones. In addition to the requirements of LC 14.100(4), notice of decisions approving or denying applications for dwellings or land divisions in the Nonimpacted Forest Zone (F-1, RCP) pursuant to LC 16.210(8) and the Impacted Forest Zone pursuant to LC 16.211(6), (7) and (10) shall be mailed to the Department of Land Conservation and Development and the Department of Forestry at their Salem and applicable field office at least 10 calendar days prior to the

16.100(3)

Lane Code

16.100(4)

decision being made. If an appeal is accepted from a decision by the Director approving or denying an application mentioned above, the Department of Land Conservation and Development and the Department of Forestry shall be mailed notice of the hearing to consider the appeal 20 days in advance of the hearing.

(4) Ex Parte Contacts. A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.200(5)(a).

87; 6.17.87
12-90; 10.11.90

16-28a

WP 1/co/00052/C
REV: 1/cr/00113/C

16.210(1)

Lane Code

16.210(2)

NONIMPACTED FOREST LANDS ZONE (F-1, RCP)RURAL COMPREHENSIVE PLAN16.210 Nonimpacted Forest Lands Zone (F-1, RCP).

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions set forth by this Chapter of Lane Code.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operations.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-29

WP 1/co/00052/C
REV: 1/cr/00113/C

16.210(2)

Lane Code

16.210(3)

(j) Maintenance, repair or replacement of existing dwellings.

(3) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

- (a) Permanent logging equipment repair and storage.
- (b) Log scaling and weigh stations.
- (c) Parks.
- (d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.
- (e) Television, microwave, and radio communication facilities and transmission towers.
- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating five (5) megawatts or less of power.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- (n) Home occupations, subject to the following conditions and annual review:

7-87; 6.17.87
 18-87; 12.25.87
 14-89; 2.2.90
 12-90; 10.11.90

16-30

WP 1/co/00052/C
 REV: 1/cr/00113/C

16.210(3)

Lane Code

16.210(3)

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

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

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

(o) One temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-31

WP 1/co/00052/C
REV: 1/cr/00113/C

(i) A resident of the existing dwelling or mobile home and a resident of the temporary mobile home are relatives. "Relative" means grandparent, parent, child, brother, or sister.

(ii) A relative of one of the residences suffers a hardship and needs care from the relative in the other residence.

(iii) Satisfactory evidence of the relative's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the relative's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing person with the hardship qualifies as a relative of the person who will provide care.

(iv) The temporary mobile home will be located on the same lot or parcel as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home. If the temporary mobile home will use a public sanitary sewer system, use of an on-site sewage disposal system will not be required.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(p) Expansion of lawfully existing airports.

(q) Public road and highway projects described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-31a

WP 1/co/00052/C
REV: 1/cr/00113/C

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(6)(a) or (b) below, LC 16.210(6)(c)-(f) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Permanent facility for the primary processing of forest products.

(u) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(v) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(w) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(x) Temporary portable facility for the primary processing of forest products.

(y) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(z) Widening of roads within existing rights-of-way in conformance with the transportation element of the applicable comprehensive plan including the following public road and highway projects:

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

(ii) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result.

(iii) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-31b

WP 1/co/00052/C
REV: 1/cr/00113/C

16.210(3)

Lane Code

16.210(4)

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

(aa) Uninhabitable structures accessory to fish and wildlife enhancement.

(bb) Temporary forest labor camps.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(6)(a) or (b), LC 16.210(6)(c)-(f), and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code, and

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-32

WP 1/co/00052/C
REV: 1/cr/00113/C

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.210(3)(a)-(u) and (4) above may be allowed provided the following requirements are met:

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

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Siting Standards for Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210(3) and (4). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(6)(a)-(b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

(a) Setbacks. Residences and accessory structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.210(6)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Not closer than 100 feet from ordinary high water of a Class I stream; and

(v) Not closer than:

(aa) 20 feet from the planned right-of-way of a state road, County road or a local access public road specified in Lane Code Chapter 15; and

16.210(6)

Lane Code

16.210(6)

(bb) 20 feet from an existing right-of-way of a state road, County road or a local access public road; and

(cc) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

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

Building shall be restricted to slopes of less than 40 percent.

7-87; 6.17.87
 18-87; 12.25.87
 14-89; 2.2.90
 12-90; 10.11.90

16-34

WP 1/co/00052/C
 REV: 1/cr/00113/C
 1/cr/00119/C

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

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-35

WP 1/co/00052/C
REV: 1/cr/00113/C

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. An applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(6)(e). Evidence of compliance with the standards specified in LC 16.210(6)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing at least six inches in depth of gravel or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, survey radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-35a

WP 1/co/00052/C
REV: 1/cr/00113/C

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sacs shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.210(6)(e)(i)-(vi) are provided below in LC 16.210(6)(vii).

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-35b

WP 1/co/00052/C
REV: 1/cr/00113/C

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.210(6)(e)(i). Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.210(6)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.210(6)(e)(iv).

(7) Other Development Standards.

(a) Maintenance, Removal and Replacement of Riparian Vegetation. The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along Class I streams designated for riparian vegetation protection by the Comprehensive Plan:

(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.210(7)(a)(i) above. Where vegetation removal beyond that allowed in LC 16.210(7)(a)(i) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazard.

(dd) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(8) Area. The minimum area requirement for the division of land shall be as follows:

(a) 80 acres.

(b) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow a division of forest land involving a dwelling lawfully existing prior to the date of adoption of this rule provided:

(i) The new parcel containing the dwelling is no larger than five acres; and

(ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or

(iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.210(8)(a) above.

(c) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow uses identified above in: LC 16.210(2)(i); LC 16.210(3)(a) through (k), (t) and (u); and LC 16.210(4)(a) and (b); provided that such uses have been approved in compliance with LC 16.210(5) above.

(d) Notice of a decision for an application pursuant to LC 16.210(8) above shall occur in compliance with LC 16.100(3).

7-87; 6.17.87
18-87; 12.25.87
14-89; 2.2.90
12-90; 10.11.90

16-35d

WP 1/co/00052/C
REV: 1/cr/00113/C

16.211(1)

Lane Code

16.211(2)

IMPACTED FOREST LANDS ZONE (F-2, RCP)RURAL COMPREHENSIVE PLAN16.211 Impacted Forest Lands Zone (F-2, RCP).

(1) Purpose. The purpose of the Impacted Forest Lands Zone (F-2, RCP) is:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions prescribed by this Chapter of Lane Code.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration of the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-36

WP 1/co/00053/C
REV: 1/cr/00114/C

16.211(2)

Lane Code

16.211(3)

(j) Maintenance, repair or replacement of existing dwellings.

(3) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.211(3)(a)-(s) may be allowed provided the requirements in LC 16.211(5) below are met. The uses in LC 16.211(3)(t)-(z) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Television, microwave, and radio communication facilities and transmission towers.

(f) Fire stations for rural fire protection.

(g) Utility facilities for the purpose of generating five megawatts or less of power.

(h) Aids to navigation and aviation.

(i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(j) Reservoirs and water impoundment.

(k) Cemeteries.

(l) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

(n) Home occupations, subject to the following conditions and annual review:

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

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.211(2) above.

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-37

WP 1/co/00053/C
REV: 1/cr/00114/C

16.211(3)

Lane Code

16.211(3)

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.211(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

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

(o) One temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

(i) A resident of the existing dwelling or mobile home and a resident of the temporary mobile home are relatives. "Relative" means grandparent, parent, child, brother, or sister.

(ii) A relative of one of the residences suffers a hardship and needs care from the relative in the other residence.

7; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-37a

WP-1/co/00053/C
REV: 1/cr/00114/C

(iii) Satisfactory evidence of the relative's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the relative's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing person with the hardship qualifies as a relative of the person who will provide care.

(iv) The temporary mobile home will be located on the same lot or parcel as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home. If the temporary mobile home will use a public sanitary sewer system, use of an on-site sewage disposal system will not be required.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(p) Expansion of lawfully existing airports.

(q) Public road and highway projects described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.211(8)(a) or (b) below, LC 16.211(8)(c)-(f) below, and the following requirements:

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-37b

WP 1/co/00053/C
REV: 1/cr/00114/C

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(u) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(x) Widening of roads within existing rights-of-way in conformance with the transportation element of the applicable comprehensive plan including the following public road and highway projects:

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

(ii) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result.

(iii) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

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

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-38

WP 1/co/00053/C
REV: 1/cr/00114/C

(y) Uninhabitable structures accessory to fish and wildlife enhancement.

(z) Temporary forest labor camps.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300 and provided the requirements in LC 16.211(5) below are met:

(a) Permanent facility for the primary processing of forest products.

(b) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(c) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(d) Firearms training facility.

(e) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8)(a) or (b), LC 16.211(8)(c)-(f), and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code, and

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.211(3)(a)-(s) and (4) above may be allowed provided the following requirements are met:

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

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.211(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.211(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Forest Management Dwellings. A forest management dwelling may be allowed provided an application for the forest management dwelling is submitted for Director approval pursuant to LC 14.050 and the application contains substantial evidence that the requirements specified in this subsection, below, have been met, and provided the application is approved pursuant to LC 14.100.

(a) The dwelling shall be necessary for and accessory to forest operations. Part of the forest operations may include cultured Christmas trees. "Necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling. "Accessory to" means that the dwelling is incidental and subordinate to the main forest use.

(b) The applicant shall provide information necessary to complete the Forest Management Plan form, or its equivalent, provided by Lane County regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

(i) The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and

(ii) Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density, and harvest; and

(iii) The siting standards in LC 16.211(8) below have been adequately addressed.

An application for a forest management dwelling is not complete for the purpose of requiring Lane County to take final action on the application within 120 days, as required by ORS 215.428 and LC 14.050, until all the required information including the review and evaluation by the Oregon Department of Forestry required by LC 16.211(6)(b)(i)-(iii) above is submitted to and accepted by the Director.

(c) There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling for the forest operation.

(d) The property qualifies for and is enrolled in one of Oregon's forest tax programs.

(e) The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.

(f) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(g) The forest lands to be managed by the resident of the proposed dwelling or mobile home meet the stocking and survival requirements of the Forest Practices Rules (OAR 629-24-502) at the time authorization for a permanent dwelling is requested. If the lands to be managed do not meet these stocking and survival requirements, a temporary dwelling may be approved subject to the following requirements:

(i) The prospective resident(s) shall agree in writing to remove the temporary dwelling and any accessory structures within 60 days of a determination by the Director pursuant to LC 16.211(6)(g) above that the property has not met the stocking and survival requirements within five years of the date the temporary dwelling was approved.

(ii) The prospective resident(s) shall agree in writing to pay all costs associated with the removal of the dwelling and any accessory structures by Lane County if the prospective resident(s) fails to comply with LC 16.211(6)(g)(i) above. This written agreement with Lane County shall include either a performance bond, cash deposit, irrevocable letter of credit, promissory note, written contract or other similar form of security equal to costs determined by Lane County as needed to remove totally the temporary dwelling and accessory structures from the parcel and any additional costs for legal proceedings.

(iii) Lane County shall determine whether the prospective resident(s) has complied with LC 16.211(6)(g)(i) above within 60 days of the end of the time period prescribed in LC 16.211(6)(g)(i) above. If the prospective resident(s) has not complied with such requirements, Lane County shall secure the removal of the temporary dwelling unless an extension is granted. Lane County may grant an extension of not more than two years if, prior to the expiration of the five-year period referred to in LC 16.211(6)(g)(i) above, the Director has received a written extension request from the applicant together with substantial evidence on which the finding can be made that, due to natural disaster or illness, completion of the requirements in LC 16.211(6)(g)(i) above was not possible.

(iv) Lane County shall enforce the terms of this agreement if the prospective resident(s) fails to meet the stocking and survival requirements of LC 16.211(6)(g) above for the lands to be managed within five years unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted under LC 16.211(6)(g)(iii) above.

(v) When Lane County has determined that the prospective resident(s) has complied with the requirements of LC 16.211(6)(g)(i), the temporary dwelling may be replaced by a permanently constructed dwelling.

(h) A written statement recorded with the deed or written contract with Lane County is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the forest Practices Act and Rules.

(i) Notice of a decision for an application under LC 16.211(6) above shall occur in compliance with LC 16.100(3).

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-41

WP 1/co/00053/C
REV: 1/cr/00114/C

(7) Dwellings not Related to Forest Management. A dwelling not related to forest management may be allowed provided an application for the dwelling is submitted for Director approval pursuant to LC 14.050 and the application contains substantial evidence that the requirements specified in this subsection, below, have been met, and provided the application is approved pursuant to LC 14.100.

(a) The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands; and

(b) The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection; and

(c) A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules; and

(d) The dwelling meets the siting and safety standards in LC 16.211(8) below; and

(e) The parcel on which the dwelling would be located was lawfully created prior to January 25, 1990; and

(f) The parcel on which the dwelling would be located has been disqualified from receiving a farm or forest tax deferral; and

(g) The parcel is composed primarily of soils which are:

(i) Capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of three other parcels exist within a 160-acre square when centered on the center of the subject parcel; or

(ii) Capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of seven other parcels exist within a 160-acre square when centered on the center of the subject parcel; or

(iii) Capable of above 85 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel.

(h) Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under LC 16.211(7)(g) above.

16.211(7)

Lane Code

16.211(8)

(i) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(j) Dwellings not related to forest management shall not be allowed pursuant to LC 16.211(7) 30 days after the Land Conservation and Development Commission adopts goal and rule amendments establishing secondary lands.

(k) Notice of a decision for an application pursuant to LC 16.211(7) above shall occur in compliance with LC 16.100(3).

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings and structures, and other uses as specified above in LC 16.211(3) and (4). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-(b) below shall be weighed together with the requirements in LC 16.211(8) (c) and (e) below to identify the building site.

(a) Setbacks. Residences and accessory structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Not closer than 100 feet from ordinary high water of a Class I stream.

(v) Not closer than:

(aa) 20 feet from the planned right of way of a state road, County road or a local access public road specified in Lane Code Chapter 15; and

(bb) 20 feet from an existing right-of-way of a state road, County road or a local access public road; and

(cc) 10 feet from all other property lines.

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-43

WP 1/co/00053/C
REV: 1/cr/00114/C
1/cr/00119/C

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

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

Building shall be restricted to slopes of less than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuelbreak is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of

trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

16.211(8)

Lane Code

16.211(8)

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein, "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-45

WP 1/co/00053/C
REV: 1/cr/00114/C

16.211(8)

Lane Code

16.211(8)

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-46

WP 1/co/00053/C
REV: 1/cr/00114/C

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.211(8)(e)(i)-(vi) are provided below in LC 16.211(8)(vii). Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.211(8)(e)(i). Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.211(8)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.211(8)(e)(iv).

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Riparian Vegetation. The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along Class I streams designated for riparian vegetation protection by the Comprehensive Plan:

(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.211(9)(a)(i) above. Where vegetation removal beyond that allowed in LC 16.211(9)(a)(i) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

16.211(9)

Lane Code

16.211(10)

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazards.

(dd) Removal of vegetation necessary for the maintenance of placement or structural shoreline stabilization.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Area. The minimum area requirement for the division of land shall be as follows:

(a) Except as provided in LC 16.211(10)(b) below, for the creation of a woodlot for the purpose of the propagation or harvesting of a forest product, the minimum area shall be at least 20 acres and that which is necessary to meet the acreage minimum requirements specified in LC 16.211(10)(b) below, and additional area to accommodate a homesite, access and fire breaks required by LC 16.211(8) above and a logical parcel layout or use of the parcel. The applicant shall submit sufficient factual documentation to verify that each proposed tract meets the above requirements. Area computations shall be measured consistent with the LC 16.211(10)(b) below.

(b) Except as provided in (c) below, the minimum area requirement for the creation of parcels or lots shall comply with the Douglas fir cubic foot site index and acreage requirements below, provided sufficient factual documentation concerning the forest management, the soils, cubic foot site indices and acreage of the proposed parcel or lots comply with the minimum cubic foot site index/acreage requirements specified below. Whenever a legal lot has cubic foot site indices which fall into more than one of the below categories, compliance with the minimum acreage requirements may be determined by:

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-48

WP 1/co/00053/C
REV: 1/cr/00114/C

16.211(10)

Lane Code

16.211(10)

(i) Identifying the number of acres in each cubic foot site index category.

(ii) Identifying the percentage of the acreage requirement met for each category. This percentage shall be determined by dividing the number of acres in each category by the acreage minimum number for the same category.

(iii) Adding the percentages identified in LC 16.211(10)(b)(ii) above. The minimum acreage requirement shall have been met if the percentage total is 100 or greater.

<u>Potential Yield</u> <u>cu.ft./acre/yr</u>	<u>Acreage</u> <u>Minimum</u>
(20-49 cf/ac)	64
(50 84 cf/ac)	43
(85 119 cf/ac)	34
(120-164 cf/ac)	24
(165-224 cf/ac)	17

(c) The minimum area for the creation of a lot or parcel, for the purpose of the propagation or harvesting of a forest product shall be 80 acres in the following situation:

(i) The tract to be divided contains at least 160 acres, and

(ii) The proposed lot or parcel is adjacent to land zoned F-1, RCP.

The 80 acres shall be of sufficient dimensions to accommodate a logical lot or parcel layout and forest use of each tract. The applicant shall submit sufficient factual documentation to verify that the proposed lots or parcels comply with the criteria of LC 16.211(10)(c) herein. The provisions of LC 16.211(10)(a) above shall not apply to the division of an 80-acre lot or parcel created pursuant to the criteria of LC 16.211(10)(c) herein unless the property adjacent to the 80-acre lot or parcel is no longer zoned F-1, RCP.

(d) For the creation of a farm parcel, the minimum area shall be 40 acres. A farm management plan including the information required by the Exclusive Farm Use (E) Zone, LC 16.212(2)(g)(v)(ee) below shall be presented by the applicant and shall factually demonstrate the suitability of the land for the intended use. A statement shall be placed on the face of the map for the partition disclosing that a dwelling or mobile home is not guaranteed unless the provisions of this zone for a residence in a mixed farm/forest area are met. The provisions of LC 16.211(10)(a) above shall not apply to the division of a lot or parcel created pursuant to LC 16.211(10)(d) herein.

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-49

WP 1/co/00053/C
REV: 1/cr/00114/C

16.211(10)

Lane Code

16.211(10)

(e) For the creation of a farm parcel for the purpose of growing grapes, berries or horticultural specialties, the minimum area shall be 20 acres. The management plan and map statement requirements of LC 16.211(10)(c) above shall also apply.

(f) The remaining portion of the parent parcel being divided must also comply with either LC 16.211(10)(a), (b), (c), (d), or (e) above.

(g) The minimum land division standard in LC 16.211(10) above may be waived to allow a division of forestland involving a dwelling lawfully existing prior to January 25, 1990 provided:

(i) The new parcel containing the dwelling is no larger than five acres; and

(ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or

(iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.211(10)(a) above.

(h) The minimum land division standard in LC 16.211(10) above may be waived to allow uses identified above in: LC 16.211(2)(i); LC 16.211(3)(a) through (k); and LC 16.211(4)(a) through (d); provided that such uses have been approved in compliance with LC 16.211(5) above.

(i) Notice of a decision for an application pursuant to LC 16.211(10) above shall occur in compliance with LC 16.100(3).

7-87; 6.17.87
18-87; 12.25.87
12-90; 10.11.90

16-50

WP 1/co/00053/C
RV: 1/cr/00114/C

16.215(1)

Lane Code

16.215(2)

PARK AND RECREATION ZONE (PR-RCP)RURAL COMPREHENSIVE PLAN16.215 Park and Recreation Zone (PR-RCP).(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(d) Farm use.

(e) Towers and fire stations for forest fire protection.

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100. The uses in LC 16.215(2)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

(f) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(g) Public road and highway projects described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.

(i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(l) Temporary portable facility for the primary processing of forest products.

(m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(n) Widening of roads within existing rights-of-way in conformance with the transportation element of the applicable comprehensive plan including the following public road and highway projects:

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

(ii) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result.

(iii) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

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

(o) Uninhabitable structures accessory to fish and wildlife enhancement.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.215(5) below are met:

- (a) Firearms training facility.
- (b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

- (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

- (ii) Only minor incidental and accessory retail sales are permitted.

- (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

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

- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

- (c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

- (d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.

(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

(a) Race track.

(b) Amusement park, carnival, circus.

(c) Stadium.

(d) Fairgrounds and amusement park.

(e) Recreational shooting.

(f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character 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 capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the planned right-of-way of a State road, County road or a local access public road specified in Lane Code Chapter 15; and

(ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and

(iii) 10 feet from all other property lines except as provided below.

(b) Class I Stream Setbacks. No structure other than a fence or sign shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A lesser setback may be allowed if:

(i) The Department of Fish and Wildlife is consulted by the Department at least 10 days prior to issuing a permit for a structure; and

(ii) The riparian vegetation does not actually extend all the way into the 100-foot setback to the location of the proposed structure, and the riparian vegetation has not been removed in violation of the below riparian vegetation maintenance standards; or

(iii) An application for a variance to the above setback standard has been approved pursuant to LC 16.256 with findings of compliance to the Comprehensive Plan policies for the protection of Class I streams and riparian vegetation.

(c) Maintenance, Removal and Replacement of Riparian Vegetation. The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along Class I streams designated for riparian vegetation protection by the Comprehensive Plan:

(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.215(9)(c)(i) above. Where vegetation removal beyond that allowed in LC 16.215(9)(c)(i) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Vegetation removal necessary to provide water access for a water dependent use.

(bb) Removal of dead or diseased vegetation that poses a safety or health hazards.

(cc) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

16.215(9)

Lane Code

16.215(10)

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and accessory structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Not closer than 100 feet from ordinary high water of a Class I stream.

(v) Not closer than:

(aa) 20 feet from the planned right-of-way of a state road, County road or a local access public road specified in Lane Code Chapter 15; and

(bb) 20 feet from an existing right-of-way of a state road, County road or a local access public road; and

(cc) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

7-87; 6.17.87
12-90; 10.11.90

16-81

WP 1/co/00054/C
REV: 1/cr/00115/C
1/cr/00119/C

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

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

Building shall be restricted to slopes of less than 40 percent.

16.215(10)

Lane Code

16.215(10)

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

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

7-87; 6.17.87
12-90; 10.11.90

16-81b

WP 1/co/00054/C
REV: 1/cr/00115/C

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting equipment and containing rock to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below in LC 16.215(10)(vii). Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Riparian Vegetation. The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along Class I streams designated for riparian vegetation protection by the Comprehensive Plan:

(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.215(10)(g)(i) above. Where vegetation removal beyond that allowed in LC 16.215(10)(g)(i) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazards.

(dd) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.