

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-07

IN THE MATTER OF AMENDING LANE CODE CHAPTER 13 TO ADD, REVISE, AND DELETE DEFINITIONS AND PROVISIONS TO MODERNIZE AND UPDATE THE ENTIRE CHAPTER; AMENDING LANE CODE CHAPTERS 10 AND 16 TO UPDATE REFERENCES AND DEFINITIONS FOR CONSISTENCY WITH LANE CODE CHAPTER 13; AND ADOPTING A SEVERABILITY CLAUSE (FILE NO. 509-PA16-05453)

**WHEREAS**, Lane Code Chapter 13 provides submittal standards and criteria for land divisions, replats, property line adjustments, and legal lot verifications; and

**WHEREAS**, amendments to Lane Code Chapter 13 are desired to add, revise, and delete definitions and provisions to modernize the entire Chapter; and

**WHEREAS**, the Lane County Planning Commission reviewed the proposal in public hearings held on July 5, 2016, April 4, 2017, and June 20, 2018, making a recommendation for approval to the Board of County Commissioners after deliberations on July 18, 2017; and

**WHEREAS**, the Board of County Commissioners has conducted a public hearing on August 21, 2018, and is now ready to take action.

**NOW, THEREFORE**, IT IS HEREBY ORDAINED, Lane Code Chapters 10, 13, and 16 are hereby amended by removing, substituting and adding the following sections:

**REMOVE THESE SECTIONS**

10.100-30  
10.106-15  
10.107-20  
10.122-40  
10.122-45  
10.122-50  
10.300-20  
10.322-10  
10.700-415  
ALL OF CHAPTER 13  
16.004  
16.090  
16.250  
16.254  
16.300

**INSERT THESE SECTIONS**

10.100-30  
10.106-15  
10.107-20  
10.122-40  
10.122-45  
10.122-50  
10.300-20  
10.322-10  
10.700-415  
ALL OF CHAPTER 13  
16.004  
16.090  
16.250  
16.254  
16.300

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a

separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

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

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

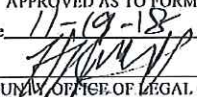
ENACTED this 27th day of Nov. 2018.



\_\_\_\_\_  
Jay Bozievich, Chair  
Lane County Board of Commissioner



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

APPROVED AS TO FORM  
Date 11-19-18  
  
\_\_\_\_\_  
LANE COUNTY, OFFICE OF LEGAL COUNSEL

**10.100-30 Land Division Requirements.**

Land within the EFU District shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land division shall be effected only by partition as defined by LC Chapter 13. Subdivision of land as defined by LC Chapter 13 is expressly prohibited.

(2) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.100-10(2). *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

**10.106-15 Land Division Requirements.**

(1) Land within the A-1 District shall be subject to the following provisions for addition to the requirements of LC Chapter 13.

(a) Land division shall be effected only by partition as defined by LC Chapter 13. Subdivision of land as defined by LC Chapter 13 is expressly prohibited.

(b) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.106-10(2).

(c) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(d) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

**10.107-20 Land Division Requirements.**

Land with the Limited Agricultural Land District (A-2) shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land divisions shall be effected only by partition as defined by LC Chapter 13. Subdivision of land as defined by LC Chapter 13 is expressly prohibited.

(2) The division of land within the Limited Agricultural Land District (A-2) by lease or rental for any farm purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.107-10(2) above.

(4) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(5) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

**10.122-40 Lot Area.**

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

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

(a) The approval of a conceptual plan for ultimate development at urban densities in accord with the Metropolitan Area and applicable refinement plans and policies, where the property is redivisible into smaller parcels consistent with the Metropolitan Area Plan, the conceptual plan shall be accomplished by Lane County in accordance with the redivision plan procedures and requirements of LC Chapter 13.

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

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

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

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

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

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

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

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

(b) A majority of parcels located within 100 feet of the property are smaller than five acres. *(Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)*

**10.122-45 Siting of Residential Uses.**

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

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

(a) Approval of a conceptual plan for the property to achieve ultimate densities provided in the Metropolitan Area Plan, which may include a redivision plan in a manner described in LC Chapter 13.

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

(3) The waiver or modification of the requirements of LC 10.122-45(2) above, as applied to construction permits and mobile home placement permits, may be granted only in the manner provided in LC 10.330, Variances. *(Revised by Ordinance No. 10-82, Effective 7.9.82)*

**10.122-50 Conceptual Plan Considerations.**

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

- (1) The ultimate density proposed for the property in the Eugene-Springfield Metropolitan Area Plan.
- (2) The existing character of the property and its potential for more intensive development.
- (3) The existing and potential future development of adjacent properties, as designated in the Metropolitan Area Plan, and any redivision plans for such properties approved in accordance with LC Chapter 13.
- (4) Existing long-range plans to provide public facilities to the area.
- (5) A basic standard of 6,000 square feet in area per dwelling unit for determination of ultimate densities in areas designated "Low Density Residential" in the Metropolitan Area Plan.
- (6) Provision for achieving an average gross density of greater than 10 dwelling units per acre for areas designated "Medium Density Residential" in the Metropolitan Area Plan. *(Revised by Ordinance No. 10-82, Effective 7.9.82)*

**10.300-20 General Lot Area and Width Requirements.**

(1) The site area requirements of LC Chapter 10 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the EFU A-1, A-2, FM, F-1, F-2 and FF Districts, where use of pre-existing parcels as provided for in a different manner.

(2) The minimum area requirements of LC Chapter 10 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by state law, state rules and regulations, the provisions of this Code, or other County rules and ordinances.

(3) Refer also to partition and subdivision criteria of LC Chapter 13 for other lot area, width and depth requirements which may be applicable. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 13-73, 11.21.73 (4.17.74); 3-76, 4.7.76; 1-82, As Amended, 4.16.82)*



**10.322-10 Uses and Activities Subject to Greenway Development Permits.**

Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zoning districts, including public improvements and including partitions and subdivisions as defined in LC Chapter 13, which are proposed for land within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

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

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

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

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

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

(6) Erosion control operations.

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

(8) Farm Use.

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

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

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

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

(b) consistent with recommendations made by Oregon Department of Transportation to Oregon Department of Forestry which are designed to address criteria set forth in Statewide Goal 15, sections c-h.

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

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

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

(b) Unzoned Area Development Permits, as provided in LC 9.700. *(Revised by Ordinance No.*

*1-80, Effective 3.30.80; 10-82, 7.9.82)*

**10.700-415 Pre-Application Conference.**

Prior to submitting a Pre-Preliminary Application, the applicant, or his or her authorized agent, is encouraged to confer informally with the Land Development Review Committee to discuss the general concept of a PUD as it might relate to the anticipated project. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

## Lane Code Chapter 13 – Land Divisions and Property Line Adjustments

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### **13.010. Purpose**

- (1) The purpose of this Chapter is to establish standards for property line adjustments and the division of land by partition or subdivision for areas of Lane County outside of the Urban Growth Boundaries of Eugene and Springfield or outside of the incorporated limits of all other small cities pursuant to ORS Chapters 92, 197, and 215.
- (2) These regulations are necessary to:
  - (a) Provide uniform procedures and standards for the division of land;
  - (b) Coordinate proposals with development plans for highways, utilities, and other public facilities;
  - (c) Provide for the protection, conservation and proper use of land, water, and other natural resources;
  - (d) Implement the policies and intent of the Rural Comprehensive Plan;
  - (e) Ensure adequate lot sizes for homesites and other development;
  - (f) Encourage safe and convenient access for vehicles, pedestrians, and bicyclists;
  - (g) Ensure adequate sanitation and water supply services;
  - (h) Protect the public from pollution, flood, slides, fire, and other hazards to life and property;

- (i) Provide for the accurate and timely recording at Lane County Deeds and Records all newly created property boundaries, street, roads, right-of-ways and easements; and
- (j) Protect the public health, safety, and general welfare as defined in ORS Chapters 197 and 215.

**13.020. General Informational Provisions:**

- (1) All Subdivision and Partition proposals must conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions, and Partitions, and must conform to the policies of the Lane County Surveyor's Office.
- (2) No new lot or parcel created through a Subdivision or Partition can be conveyed without the prior Subdivision or Partition Plan and Final Plat approval by the Director.
- (3) No Subdivision or Partition plat can be filed at Lane County Deeds and Records without the signature of the Director and all of the signatures required by law.
- (4) All Subdivision or Series Partition proposals must demonstrate that lots or parcels have adequate utilities, such as an adequate potable water supply, ability to install a septic system, and access to electrical systems.
- (5) A lot or parcel lawfully created remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided in a lawful manner.

**13.030. Definitions**

- (1) **When a Term Is Not Defined.** Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.
- (2) **Conflicting Definitions.** Where a term defined in section 13.030 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the term in this section will control.
- (3) **Definitions.** For purposes of Chapter 13 of the Lane Code, unless the context requires otherwise, the following words and phrases mean:
  - (a) **Abut:** To share a common boundary with another unit of land.
  - (b) **Access:** Subject to adopted policies and standards, the means by which a lot, parcel, area or tract directly obtains safe, adequate usable, and legal ingress and egress.
  - (c) **Area.** The total surface area within the boundary lines of a parcel, lot, or unpartitioned or unsubdivided tract of land, exclusive of County roads, local access roads, or City roads.
  - (d) **Board.** The Lane County Board of Commissioners.
  - (e) **Building Site.** That portion of the lot, parcel or unpartitioned or unsubdivided

- tract of land upon which the building and appurtenances are existing or proposed, including adequate areas for sewage disposal, light and air clearances, proper drainage, appropriate easements, and if applicable, other items required by the Lane Code.
- (f) **Cluster Subdivision.** A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements, and alternative types of dwellings as specified in LC Chapters 10 and 16.
  - (g) **Contiguous.** Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access-public, County, State or Federal street) will not be considered contiguous.
  - (h) **Community Water System.** A Community Water System is a public water system that has 15 or more connections used by year-round residents, or that regularly serves 25 or more year-round residents.
  - (i) **Dangerous Areas.** Areas that, due to their characteristics, have a potential of creating a risk to people or property if developed for residential uses. Dangerous areas include but are not limited to floodplain and floodway (LC 10.271, 16.244), coastal overlay combining zones (LC 10.240-270, 16.237-243), unstable surface or subsurface conditions, areas identified as dangerous land slide areas, land subject to erosion, groundwater seepage conditions, tsunami inundation, and other geological conditions (LC 10.025-30, 16.005).
  - (j) **Department.** The Lane County Department of Public Works.
  - (k) **Director.** The Planning Director of Lane County or the Planning Director's designated representative.
  - (l) **Improved Spring.** A spring that has been improved with a spring box, screened overflow which discharges to daylight, an outlet pipe provided with a shutoff valve, a bottom drain, an access to manhole with a tightly fitting cover, and a curb around the manhole.
  - (m) **Improvement Agreement.** An agreement that, under prescribed circumstances, may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form improved by the Board, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.
  - (n) **Lawfully Established Unit of Land.** A lawfully established unit of land means:
    - (i) A lot or parcel created by filing a final plat for subdivision or partition; or
    - (ii) Another unit of land created:

- (aa) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (bb) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.
  - (cc) Lawfully established unit of land does not mean a unit of land created solely to establish a separate tax account.
- (o) **Legal Lot.** A lawfully established unit of land that has been verified and noticed by Lane County through a legal lot verification pursuant to LC 13.140. A lot, parcel, or verified lawfully established unit of land that complies with LC 13.140(1)(a)(i) does not require a legal lot verification by the County.
- (p) **Legal Lot Verification.** A determination or decision made pursuant to LC 13.140 that a unit of land is a lawfully established unit of land.
- (q) **Lot.** A single unit of land that is created by a subdivision of land.
- (r) **Minor Shift.** An adjustment of an existing or proposed property line that does not result in any of the following:
  - (i) Modification of acreage of the smaller lot or parcel by more than 25%;
  - (ii) Reduction of a lot or parcel to less than 2 acres if said lot or parcel was tentatively approved or platted larger than 2 acres, unless such reduction complies with the minimum lot size of the applicable zoning district;
  - (iii) Change in the number of lots or parcels in a plat; or
  - (iv) Relocation of access for a lot or parcel.
- (s) **Panhandle.** A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.
- (t) **Parcel.** A single unit of land that is created by a partition of land.
- (u) **Partition.** Either an act of partitioning land or an area or tract of land partitioned.
- (v) **Partition Plat.** Includes a final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.
- (w) **Partitioning Land.** Dividing land to create not more than three parcels of land within a calendar year but does not include:
  - (i) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
  - (ii) Adjusting a property line as property line adjustment is defined in LC 13.030;
  - (iii) Dividing land as a result of the recording of a subdivision or condominium plat;

- (iv) Selling or granting by a person to a public agency or public body of property for state highway, County road, City Street or other right-of-way purposes, if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r). However, any property sold or granted for state highway, county road, city street or other right of way purposes continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (v) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.
- (x) **Performance Agreement.** A written agreement executed by a subdivider or partitioner in a form approved by the Director and accompanied by a security also approved by the Director. The security must be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.
- (y) **Plat.** A final diagram and other documents relating to a subdivision, replat, or partition.
- (z) **Property Line.** "Property line" means the division line between two units of land.
- (aa) **Property Line Adjustment.** Relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.
- (bb) **Public Water System.** A public water system is a water system that serves four or more connections or ten or more people for 60 or more days out of the calendar year.
- (cc) **Replat.** The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots or parcels in the subdivision or partition.
- (dd) **Road.** The term road, street, or highway will be considered synonymous and will include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land. "Road" includes those listed in the definition in LC 15.010(35).
- (ee) **Sensitive Areas.** An area that requires special protection because of its landscape, wildlife, or other natural resources. Sensitive areas include but are not limited to wetlands, riparian setback areas (LC 16.253), endangered species habitat, and wildlife habitat areas listed in LM 11.400.
- (ff) **Series Partition.** Series Partition means a series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.
- (gg) **Sewage Facility.** The sewer pipes, drains, treatment and disposal works, and

other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, garbage, or other wastes.

- (i) **Sewage Facility, Community.** A sewage facility, whether publicly or privately owned, which serves more than one units of land.
  - (ii) **Sewage Facility, Individual.** A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.
  - (iii) **Sewage Facility, Public.** A sewage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided, or is available, for public use.
- (hh) **Spring.** A naturally occurring discharge of flowing water at the ground surface, or into surface water where the flow of water is the result of gravity or artesian pressure. Springs can be derived from groundwater or they can be surface water influenced.
- (ii) **Street.** The term is synonymous with "road."
- (jj) **Subdivide Land.** To divide an area or tract of land into four or more lots within a calendar year.
- (kk) **Subdivision.** Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.
- (ll) **Subdivision Plat.** A final map or other writings containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
- (mm) **Tract.** One or more contiguous lawfully established units of land under the same ownership.
- (nn) **Tentative Plan.** A tentative map or diagram related to a subdivision, partition, or replat.



**13.040. Partition and Subdivision Procedure**

- (1) **Subdivision and Partition Approval is a Two-Step Process.** Applications for subdivision or partition approval will be processed first by means of a tentative plan application and secondly a final plat application:
- (a) **Step One: Tentative Plan Application.** The tentative plan application must be approved before the final plat can be submitted for review. Tentative plan applications will be processed using Type II procedures according to LC Chapter 14.
    - (i) Tentative Partition plan applications are subject to LC 13.050 and 13.060.
    - (ii) Tentative Subdivision plan applications and Tentative Series Partition plan applications are subject to LC 13.070 and 13.080.
  - (b) **Step Two: Final Plat.** Compliance with all conditions of approval of the tentative plan must be demonstrated prior to final plat approval. Review of final plat applications will be processed using Type I procedures according to LC Chapter 14 and subject to the submittal requirements of LC 13.090 and criteria of LC 13.100.
    - (i) **Technical Review of the Final Plat.**
      - (aa) Upon receipt of the final plat application and related documents as described in this Chapter, the Director must review the final plat map and documents to determine that the plat conforms with the approved tentative plan, including any special conditions of approval, and that the final plat complies with provisions of this Chapter and any applicable laws.
      - (bb) The County Surveyor must review the plat for compliance with ORS Chapter 92 requirements for accuracy, completeness, and all prescribed Surveyor's office policies. The County Surveyor will collect separate fees as provided by Lane Manual. The County Surveyor may perform a field inspection to verify that the plat reflects on the ground conditions, and may enter the property for this purpose. If it is determined that there is not full conformity, the County Surveyor must advise the applicant of the changes or additions that must be made, and afford the applicant an opportunity to make such changes or additions.
      - (cc) When the Director and County Surveyor determine that full conformity has been achieved, both must sign the plat map. The County Surveyor's office will then file the approved plat map and any other necessary documents at Lane County Deeds and Records. The Director will notify the applicant in writing within three days of the filing of the plat and associated documents.
- (2) **Approval Period.** Tentative plan approval will be effective for a period of four years from the date of final approval. The Director may approve a phased subdivision with an overall time frame of more than four years between tentative and final plat approvals pursuant to LC 14.090(5). If the Director approves a phased subdivision, the timeframes must be clearly stated in the original tentative plan conditions of approval.

- (3) **Extensions.** An extension of the time period to complete the conditions of approval is allowed provided:
- (a) All requests for extensions comply with LC 14.090(6).
  - (b) Tentative plan timeline extensions cannot be approved cumulatively for a period greater than seven years from date of original final approval.
  - (c) A denial of a request for an extension will not preclude a new application for tentative partition plan or tentative subdivision plan approval set forth in LC Chapter 13.
- (4) **Jurisdictional Overlap.**
- (a) **Tentative Plan Applications Involving Jurisdictional Overlap.** Whenever a lawfully established unit of land to be divided lies within multiple jurisdictional boundaries the following provisions apply:
    - (i) An urban growth boundary (UGB) or city limits boundary does not necessarily constitute a property line.
    - (ii) A land division along a city limit, UGB boundary, or County boundary can be approved if all lots or parcels within Lane County's jurisdiction meet County standards, provided both the city or adjoining county and Lane County approve the land division.

### 13.050. Tentative Partition Plan Submittal Requirements

#### (1) Submittal Requirements:

- (a) **Applicability:** An application for tentative plan approval must be filed with the Department pursuant to Type II procedures according to LC Chapter 14. The application must be submitted with the required filing fee on a form provided by the Director and address all approval criteria.
- (b) The following information is required to be included on the tentative plan or by separate attachment:
  - (i) General Information:
    - (aa) Assessor's map and tax lot number of the subject property.
    - (bb) The date the tentative plan was prepared.
    - (cc) Drawing scale and north arrow.
    - (dd) "Tentative Partition Plan" must be contained within the title.
    - (ee) Zoning of the subject property, including any overlay zones.
    - (ff) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey.
    - (gg) Map of the subject property or properties being divided, in its current configuration.
    - (hh) Evidence that the subject property is a legal lot or multiple legal lots.
  - (ii) **Existing Conditions.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information on existing conditions:
    - (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of any existing access point(s), and any driveways within 100 feet of the existing access point(s). Describe and include areas of vacated right-of-way.
    - (bb) City limits and urban growth boundary lines.
    - (cc) Location, width, and purpose of all existing recorded easements on and abutting the site.
    - (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting.
    - (ee) Location and identify ownership of all utilities on and adjacent to the site.

- (ff) Location of all existing subsurface sewage facilities, including drain fields and associated easements on the site.
  - (gg) Location of any existing well or other domestic water source on the site, including water lines.
  - (hh) All known dangerous areas, sensitive areas, and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, tidal flats, floodplain, steep slopes, known landslide hazard areas, geologically unstable areas, and unstable soils.
- (iii) **Proposed Development.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information:
- (aa) Approximate dimensions, area calculation (e.g., in square feet or acres), and identification numbers for all proposed parcels and tracts.
  - (bb) Location, names, right-of-way dimensions, and approximate radius of street curves. All streets that are being held for private use and all reservations and restrictions relating to such private tracts must be identified.
  - (cc) Location, width, and purpose of all proposed easements.
  - (dd) Proposed deed restrictions, if any, in outline form.
  - (ee) The approximate location and identification of other utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage facilities, proposed electrical lines, underground or above ground, as applicable.
  - (ff) Evidence of compliance with the applicable base zoning.
    - (A) For all land divisions within an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
    - (B) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
  - (gg) If access is taken across property that is located in another road authority's jurisdiction, provide evidence demonstrating compliance with said jurisdiction's access standards.
- (iv) Any of the following information may be required by the Director to supplement a proposed tentative plan:
- (aa) For parcels within an adopted urban growth boundary, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical

intervals on a copy of the tentative plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10%. Ground elevations will comply with the following intervals dependent on slope:

- (A) One-foot contour intervals for ground slopes up to 5%;
  - (B) Two-foot contour intervals for ground slopes between 5% and 10%; or
  - (C) Five-foot contour intervals for ground slopes exceeding 10%.
- (bb) Where the tentative plan includes natural features subject to the conditions or requirements contained in Lane Code, materials must be provided to demonstrate that those conditions and/or requirements can be met.
- (c) Two (2) paper copies of a tentative plan map for the proposed partition, two (2) copies of all supporting documents, and one electronic copy pursuant to LC 14.020(3)(b). The tentative plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the tentative plan on an 11-inch by 17-inch sheet or smaller.

### 13.060. Tentative Partition Plan Application Review Criteria

(1) **Review Criteria:**

- (a) **Legal Lot.** The subject property must be a legal lot or a tract comprised of legal lots pursuant to LC 13.140.
- (b) **Conformity with the Zoning.** All partitions must conform to all of the applicable zoning requirements in Lane Code.
  - (i) If the subject property is located within an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
  - (ii) For all partitions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
- (c) **Access.**
  - (i) A partition or replat must provide for the continuation of existing major and secondary roads in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such roads must meet the minimum requirements for roads set forth in LC Chapter 15, unless an exception is approved per LC 15.709 or 15.900.

- (ii)** Parcels must have verifiable access by way of a road, either a County or City public road, local access road, or a private easement in accordance with the following standards:

  - (aa)** Each proposed parcel must abut a public road or private easement for at least 30 feet for access; or
  - (bb)** If access is taken across property that is located in another road authority's jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards.
  - (cc)** There is a legal right appurtenant to the parcel or parcels to use the road or easement for ingress and egress. A legal right to use an easement may be evidenced by:

    - (A)** An express grant or reservation of an easement in a document recorded with the County Recorder;
    - (B)** A decree or judgement issued by a court of competent jurisdiction;
    - (C)** An order from the Board establishing a statutory way of necessity or gateway road; or
    - (D)** An express easement set forth in an approved and recorded subdivision or partition.
  - (dd)** The road or private easement complies with LC 15.135.
  - (ee)** Improvement of the legal access to each proposed parcel in accordance with LC 15.700-710 is found to be feasible. If improved access is not verified for each parcel during the land division process at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

    - (A)** "Legal access improvements have not been verified as part of Partition Plat ^filing number^ and an application to verify physical improvements of the legal access in accordance with Lane Code Chapter 15 requirements will be required prior to submittal of a building or septic permit on ^parcel^."
    - (B)** Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures in accordance with LC Chapter 14, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approval the modification or removal of the Notice document.

**(d) Dangerous and Sensitive Areas.**

- (i)** Each proposed parcel is configured in such a way that the presence of dangerous and sensitive areas will not preclude or pose a hazard to future development of each parcel.
- (ii)** The Director must consider the recommendation of the County Engineer, municipal officials within Urban Growth Boundaries, and other professional technical sources when determining the presence of dangerous and sensitive area conditions and mitigation measures.
- (iii)** Areas of floodplain, water areas, riparian vegetation, and wetlands will be retained in their natural state to the extent practicable to help preserve water quality and protect water retention, overflow, and natural functions.
- (iv)** The Director may require a statement identifying the presence of dangerous or sensitive areas on the subject property to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded.
  - (aa)** Optional: If physical conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit a Type I application with the applicable filing fee to the Department, pursuant to LC 14.030(1)(a), and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.

**(e) Grading, Excavation and Clearing.** Grading and clearing by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a 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 must be avoided when detrimental to soil stability and erosion control.

**(f) Utility Easements.** Easements for utilities must be provided whenever necessary. Such easements must be clearly labeled for their intended purpose.

**(g) Sewage Facilities.** Each proposed parcel must comply with one of the following options:

- (i)** If the subject property contains an existing septic system, the applicant is required to complete and submit to the Director an Existing Septic System Certification form, provided by the Director.
- (ii)** Public or Community Sewage Facilities:
  - (aa)** If connection to an existing public or community sewage facility is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

**(bb)** When a new public or community sewage facility is proposed for the division, a master plan for the sewage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.

**(iii)** Individual Sewage Facilities:

**(aa)** If the proposed parcels will not be connected to a public or community sewage facility, the applicant may demonstrate that each parcel provides sufficient area and suitable soil to accommodate an individual sewage facility at time of final plat;

**(bb)** If (aa) above cannot be satisfied, but there is an area on a contiguous legal lot that can accommodate an individual sewage facility, the applicant can propose to record an easement for an off-site facility. If the off-site facility is proposed on a legal lot in a different ownership, written documentation must be provided acknowledging the agreement. This option is not available for vacant contiguous properties zoned F1, F2, or EFU without existing or approved residential use on the vacant legal lot; or

**(cc)** If proof of access to a sewage disposal system is not verified for each parcel during the land division process at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

**(A)** “An approved subsurface sewage disposal site evaluation has not been determined as part of Partition Plat ^filing number^ and will be required prior to submittal of a septic system installation permit on ^parcel^.”

**(B)** Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures in accordance with LC Chapter 14, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approval the modification or removal of the Notice document.

**(h)** **Water Supply.** Each proposed parcel must comply with following standards:

**(i)** **Acceptable water sources:**

**(aa)** A new or existing well or improved spring;

**(bb)** A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 or more days per year;





water prior to final plat approval. Adequate supply of water for parcels created by a land division must comply with the following standards:

- (i-i)** For an individual well, the well must produce on average five gallons per minute during a five-hour pump test;
- (ii-ii)** For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for a storage tank according to Lane Manual 9.160(1)(b); or
- (iii-iii)** Submit a report prepared by an Oregon registered geologist certifying that the individual or shared water system can adequately supply the potential development of the land division.

**(B)** If an adequate supply of water is not verified during the partition process pursuant to (aa) or (bb)(A) above at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

**(i-i)** “Water availability was not verified as part of Partition Plat ^filing number^ and proof of an adequate supply of water may be required to be verified at time of building permit as determined by the Building Official on ^parcel^(s).”

**(ii-ii)** Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.

**(iv) Water Quality.** To demonstrate that the available water is potable for any individual or shared water system, prior to final plat application approval the owner may submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:

**(aa)** Total Coliform and Fecal Coliform/E. Coli

**(bb)** Nitrates/nitrites

- (i) **Conditions of Approval.** The Director has the right to attach such conditions as are necessary to carry out provisions of Lane Code, and other applicable ordinances and regulations.

### 13.070. Tentative Subdivision and Series Partition Plan Submittal Requirements

#### (1) Submittal Requirements:

- (a) **Applicability:** An application for Tentative Subdivision or Series Partition plan approval must be filed with the Department pursuant to Type II procedures, according to LC Chapter 14. The application must be submitted with the applicable filing fee on a form provided by the Director, addressing all approval criteria.
- (b) The following information is required to be included on the tentative plan or by separate attachment:
  - (i) General Information:
    - (aa) Assessor's map and tax lot number of the subject property.
    - (bb) Date the tentative plan was prepared.
    - (cc) Drawing scale and north arrow.
    - (dd) "Tentative Partition Plan" or "Tentative Subdivision Plan" must be contained within the title.
    - (ee) Zoning of the subject property, including any overlay zones.
    - (ff) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey.
    - (gg) Map of the subject property or properties being divided, in its current configuration.
    - (hh) Evidence that the subject property is a legal lot or multiple legal lots.
  - (ii) **Existing Conditions.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information on existing conditions:
    - (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of any existing access point(s), and any driveways within 100 feet of the existing access point(s). Describe and include areas of vacated right-of-way.
    - (bb) City limits and Urban Growth Boundary lines.
    - (cc) Location, width, and purpose of all existing recorded easements on and abutting the site.
    - (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting.

- (ee) Location and identify ownership of all utilities on and adjacent to the site.
  - (ff) Location of all existing subsurface sewage facilities, including drain fields and associated easements on the site.
  - (gg) Location of any existing well or other domestic water source on the site, including water lines.
  - (hh) All known dangerous areas, sensitive areas, and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, tidal flats, floodplain, steep slopes, known landslide hazard areas, geologically unstable areas, and unstable soils.
- (iii) **Proposed Development.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information:
- (aa) Approximate dimensions, area calculation (e.g., in square feet or acres), and identification numbers for all proposed lots, parcels and tracts.
  - (bb) Location, names, right-of-way dimensions, approximate radius of street curves, and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts must be identified.
  - (cc) Location, width, and purpose of all proposed easements.
  - (dd) Proposed deed restrictions, if any, in outline form.
  - (ee) Approximate location and identification of utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage facilities, proposed electrical lines, underground or above ground, as applicable.
  - (ff) Evidence of compliance with the applicable base zoning.
    - (A) For all land divisions with an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
    - (B) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
  - (gg) Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use.
  - (hh) For properties subject to coastal combining zones, provide a copy of an approved preliminary investigation or hazards checklist based on the

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tentative plan map and an approved site investigation report, if required by the preliminary investigation or hazards checklist.

- (ii)** For properties regulated by any other overlay or combining zones than those listed in (hh) above, provide documentation that the land division conforms with the overlay zone.
- (jj)** Evidence that each proposed lot or parcel can be served by local utility companies or districts.
- (kk)** If access is taken across property that is located in another road authority's jurisdiction, provide evidence demonstrating compliance with said jurisdiction's access standards.
- (iv)** Any of the following information may be required by the Director to supplement a proposed tentative plan:

  - (aa)** For lots or parcels within an adopted Urban Growth Boundary, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the tentative plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10%. Ground elevations will comply with the following intervals dependent on slope:

    - (A)** One-foot contour intervals for ground slopes up at 5%;
    - (B)** Two-foot contour intervals for ground slopes between 5% and 10%; or
    - (C)** Five-foot contour intervals for ground slopes exceeding 10%.
  - (bb)** The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).
  - (cc)** Where the plan includes natural features subject to the conditions or requirements contained in Lane Code, materials may be required to be provided to demonstrate that those conditions and/or requirements can be met.
  - (dd)** Profiles of proposed or existing drainage ways or Class 1 streams, and if applicable, a copy of wetland determination or delineation.
  - (ee)** If lot areas are proposed to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.
  - (ff)** On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the tentative location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards.

- (gg) If the tentative plan occupies only part of a tract owned or controlled by a developer, a diagram of tentative street layout in the undivided portion.
  - (hh) The Director may require additional information such as hydraulic analyses, hydrologic analyses, or geotechnical reports that demonstrate development can safely occur on the proposed lots or parcels.
  - (ii) Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision or Series Partition, showing the proposed finished grades and the nature and extent of construction.
- (d) Two (2) paper copies of a tentative plan map for the proposed partition or subdivision, two (2) copies of all supporting documents, and one electronic copy pursuant to LC 14.020(3)(b). The tentative plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the tentative y plan on an 11-inch by 17-inch sheet or smaller.
- (e) **Cluster Subdivision Specific Submittal Requirements:**
- (i) In addition to LC 13.080(1)(o), applications for Cluster Subdivisions must include two copies of a written statement addressing Rural Comprehensive Plan Goal 2 policy 23 and OAR 660-004-0040(7)(e).

### 13.080. Tentative Subdivision and Series Partition Plan Application Review Criteria

(1) **Review Criteria:**

- (a) **Legal Lot.** The subject property or tract must be a legal lot pursuant to LC 13.140.
- (b) **Conformity with the Zoning.** All divisions must conform to all of the applicable zoning requirements in Lane Code.
  - (i) If the subject property is located within an adopted urban growth boundary, the land division must comply with the density requirements of the applicable plan designation.
  - (ii) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
- (c) **Access.**
  - (i) A subdivision, partition, or replat must provide for the continuation of existing major and secondary roads within adjoining plats, or for their proper projection when adjoining property is not yet divided. Such roads must meet the minimum requirements for roads set forth in LC Chapter 15, unless an exception is approved per LC 15.709 or 15.900.

- (ii) Lots or parcels must have verifiable access by way of a road, either a County or City public road, local access road, or a private easement in accordance with the following standards:
  - (aa) Each proposed lot or parcel must abut a public road or private easement for at least 30 feet for access; or
  - (bb) If access is taken across property that is located in another road authority's jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards.
  - (cc) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by:
    - (A) An express grant or reservation of an easement in a document recorded with the County Recorder;
    - (B) A decree or judgement issued by a court of competent jurisdiction;
    - (C) An order from the Board establishing a statutory way of necessity or gateway road; or
    - (D) An express easement set forth in an approved and recorded subdivision or partition;
  - (dd) The public road or private easement complies with LC Chapter 15.
- (iii) The road provides actual physical access to each of the lots or parcels.
- (iv) County Roads, City Roads, Local Access-Public Roads, and Private Access Easements used to access the lots or parcels must be designed and developed in accordance to LC Chapter 15 requirements or City standards within said jurisdiction.
- (v) For the portion of a panhandle tract used to access to the main portion of the tract, the County may require such road improvements and design as necessary to provide safe and adequate access to the main portion of the tract.
- (d) **Redevelopment Plan.** When an entire tract under the applicant's control or ownership is not subdivided or partitioned to the fullest extent allowed by current zoning, the applicant must submit a future plan demonstrating how division and development of the remainder of the tract, including major road connections and intended land uses will be consistent with Lane Code and any applicable adopted refinement plans.
- (e) **Control Strip.** The County can require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:



- (i) To protect the future extension of the road pattern, in length or width;
  - (ii) To prevent access to land unsuitable for development; or
  - (iii) To prevent or limit access to roads classified as arterials and collectors.
- (f) Dangerous and Sensitive Areas.**
- (i) Each proposed lot or parcel is configured in a way that dangerous and sensitive areas located on the subject property will not preclude or pose a hazard to future development of each lot or parcel.
  - (ii) The Director must consider the recommendation of the County Engineer, municipal officials within Urban Growth Boundaries, and other professional technical sources when determining the presence of dangerous and sensitive area conditions and mitigation measures.
  - (iii) Areas of floodplain, water areas, riparian vegetation, and wetlands will be retained in their natural state to the extent practicable to help preserve water quality and protect water retention, overflow, and natural functions.
  - (iv) If the Director determines it necessary due to the presence or significance of dangerous and/or sensitive areas on the subject property, the Director can require the applicant to show future building sites for each lot or parcel.
  - (v) The Director can impose conditions or modifications necessary to mitigate potential hazards or otherwise provide for compliance with adopted Comprehensive Plan policies and Lane Code provisions. The Director may require a Notice or Restriction document be recorded at Lane County Deeds and Records when the final plat is recorded.
    - (aa) Optional: If physical conditions change on a specific lot or parcel, the owner can request from the Director to approve the modification or removal of the Notice or Restriction document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.
- (g) Grading, Excavation and Clearing.** Grading and clearing by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a 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 must be avoided when detrimental to soil stability and erosion control.
- (h) Compliance with State and Federal Permits.** Evidence that any required State and Federal permit, as applicable, have been obtained or can reasonably be obtained prior to development that requires those permits.

- (i) Utility Easements.** Easements for utilities must be provided whenever necessary. Such easements must be clearly labeled for their intended purpose.
- (j) Land for Public Purposes and Dedications.**

  - (i)** If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed Subdivision or Series Partition for public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Director may require that those portions of the Subdivision or Series Partition be reserved, for a period not to exceed 90 days, for public acquisition at a cost not to exceed the value of the land.
  - (ii)** When necessary to enhance public convenience, safety, or as may be designated on an adopted master bike plan or Transportation System Plan, the Director may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of LC Chapter 15, Roads. Pedestrian and bicycle ways cannot be not less than six feet in width and be paved with asphaltic concrete or Portland cement concrete.
  - (iii)** The Director may require as a condition of approval the dedication to the public rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.
- (k) Lots and Parcels.** Except for lots or parcels to be dedicated for parks, recreation, open space, or resource land, the lot or parcel arrangement must be such that there will be no known development constraints such as topography, setbacks, floodplain, expansive soils, soil bearing capacity, erosion potential, or other conditions that would inhibit feasibility of securing building permit to build on all lots or parcels in compliance with Lane Code or in providing driveway access to buildings on such lots from an approved road. No division will be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for public safety.
- (l) Sewage Facilities.** All lots or parcels must be served by sewage disposal facilities that comply with the requirements of the Oregon Department of Environmental Quality requirements.

  - (i)** If the subject property contains an existing septic system, the applicant must complete an Existing Septic System Certification form, provided by the Director.
  - (ii) Public or Community Sewage Facilities:**

    - (aa)** If connection to an existing public or community sewage facilities is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
    - (bb)** When a new public or community sewage system is proposed for the division, a master plan for the sewage collection and disposal facility

must be submitted to Lane County and the State Department of Environmental Quality for approval.

- (iii)** Individual Sewage Facilities:
  - (aa)** If the proposed lots or parcels will not be connected to a public or community sewage facility, the applicant must demonstrate that each lot or parcel provides sufficient area and suitable soil to accommodate a sewage facility prior to final plat approval.
    - (A)** If this requirement cannot be satisfied, but there is an area on a contiguous legal lot that can accommodate an individual sewage facility, the applicant may propose to record an easement for an off-site facility. If the off-site facility is proposed on a legal lot in a different ownership, written documentation must be provided acknowledging the agreement. This option is not available for vacant contiguous legal lots zoned F1, F2, or EFU without zoning approval for the use.
  - (bb)** An applicant for a tentative series partition or subdivision must obtain a site suitability evaluation from the County Sanitarian prior to approval of the final plat application for each proposed lot or parcel, except for lots or parcels compliant with (I)(i) or (ii) above.
- (m)** **Water Supply.** Each proposed lot or parcel must be served by an adequate water supply of potable water by complying with the following standards:
  - (i)** Acceptable water sources:
    - (aa)** A new or existing well or improved spring;
    - (bb)** A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 or more days per year;
    - (cc)** An existing public water system; or
    - (dd)** A new public water system approved by Lane County Environmental Health.
  - (ii)** Areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant proposed lots or parcels less than 20 acres prior to final plat approval:
    - (aa)** If the subject property is designated as quantity limited, as listed in Lane Manual 13.010(2), the applicant must submit proof demonstrating it can sustain the proposed development with sufficient potable water. The Director can require an aquifer study prepared by an Oregon registered geologist.

- (bb)** If the property is designated as quality limited, as listed in Lane Manual 13.010(1), the applicant must submit bacteriology/chemical tests that show compliance with standards set by the Oregon State Health Division and Lane County for the specific mapped contaminant. The owner can dispute the designation by submitting a geological report performed by an Oregon registered geologist. At minimum, a condition of tentative approval must require a test be conducted on every third well.

  - (A)** If contaminants that require filtration are found in the water, as a condition of tentative approval, a Notice document providing notice of the contaminant may be required to be recorded at Lane County Deeds and Records when the final plat is recorded.
  - (B)** Optional: If conditions change on a specific lot or parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.
- (iii)** Public or Community Water System:

  - (aa)** If connection to an existing public or community water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
  - (bb)** The County can require that new community water system be developed to serve lots or parcels when none exist and individual water systems are not feasible due to the density of the lots or parcels or the possibility of problems concerning the long-term availability of adequate quantities of suitable water.
- (iv)** Individual or Shared Water System:

  - (aa)** When lots or parcels are to be served by individual or shared water systems, sufficient evidence must be submitted prior to final plat submittal to show that each of the proposed lots or parcels will have an adequate supply of potable water. Adequate supply of potable water for a land division must comply with the following standards:

    - (A)** For an individual well, the well must produce on average five gallons per minute during a five-hour pump test;
    - (B)** For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for a storage tank according to Lane Manual 9.160(1)(b); or

- (C) Submit a report prepared by a geologist certifying that the individual or shared water system can adequately supply the potential development of the land division.
    - (bb) To prove up potable water for any individual or shared water system, prior to final plat approval the owner must submit a bacteriology/chemical test conducted by a certified water testing lab, for every third well, showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:
      - (A) Total Coliform and Fecal Coliform/E. Coli
      - (B) Nitrates/nitrites
  - (n) **Conditions of Approval. The Director has the right to attach such conditions as are necessary to carry out provisions of Lane Code, and other applicable ordinances and regulations. The Director may require an Improvement Agreement or Performance Agreement from the Developer as a condition of approval, as necessary.**
  - (o) **Additional Cluster Subdivision Requirements. These requirements are for tentative cluster subdivision plans and are in addition to LC 13.080(1)(a)-(n) above:**
    - (i) Compliance with RCP Goal 2 Policy 23; and
    - (ii) Compliance with OAR 660-004-0040(7)(e).

### 13.090. Final Plat Application Submittal Requirements

- (1) **Submittal Requirements.** An application for final plat approval must be filed with the Department pursuant to Type I procedures according to LC Chapter 14. The applicant must submit a complete final plat application with the required filing fee within four years of the approval of the tentative plan unless an extension is granted as provided by Lane Code 13.040(3).
  - (a) The application for final plat approval must be submitted in conformance with LC Chapter 14 Application Requirements.
  - (b) Supporting documentation showing compliance with all of the conditions of approval of the tentative partition or subdivision approval.
  - (c) The format of the plat must conform with ORS Chapter 92 and the Lane County Surveyor's Office policies.

### 13.100. Final Plat Application Criteria

- (1) **Approval Criteria.** The Director will review and approve or deny the final plat application based on the following criteria:
  - (a) The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved tentative plan and, if applicable, any modifications as approved pursuant to LC 13.110;
  - (b) All conditions of approval have been satisfied; and
  - (c) The plat complies with ORS Chapter 92 and the Lane County Surveyor's Office policies.
- (2) Unless a contrary intent is clearly depicted or stated in a lawful manner, all underlying lawfully established units of land are vacated or eliminated once the plat is recorded.
- (3) Final plats will be considered approved by the Director when the Director's signature and dates thereof have been written on the face of the plat and when the plat has been recorded.
- (4) Approval or denial of a final plat must be provided in writing to the applicant and owner.

### 13.110. Revisions to Approved Tentative Plans

- (1) Minor revisions to a tentative approval for a land division may be made by submitting an application pursuant to Type I procedures according to LC Chapter 14. A minor revision is one that satisfies all of the following criteria:
  - (a) Does not require the revision of any findings addressing the original established approval criteria, development standards, or conditions or approval;
  - (b) Does not increase the number of lots or parcels created by the subdivision or partition;
  - (c) Includes only minor shifting of the proposed lot or parcel lines;
  - (d) Shifting of pedestrian ways, utility easements, parks or other public open spaces, septic system drainfield locations, and well locations may be permitted; or
  - (e) Does not reduce or enlarge the exterior boundaries on the approved subdivided or partitioned area.
- (2) All other revisions to tentatively approved plans must be processed as a new application for a request for modification of approval, pursuant to Type II procedures according to LC 14.090(4), and will be subject to the applicable standards in effect at the time the new application is submitted.

### 13.120. Replatting and Vacations

- (1) Any plat or portion thereof may be replatted or vacated pursuant to this section or ORS 368.
- (2) The same procedure and standards that apply to the creation of a plat (tentative plan followed by final plat) apply to a replat pursuant to LC 13.040. If the replat consists of only a minor shift in lot or parcel lines, land use approval may be obtained through a Property Line Adjustment application pursuant to LC 13.130.
- (3) Limitations on replatting include, but are not limited to, the following:
  - (a) A replat only applies to a recorded plat;
  - (b) A replat cannot vacate any public street or road; and
  - (c) A replat of a portion of a recorded plat will not act to vacate any recorded covenants or restrictions.
- (4) A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys; or if it fails to meet any applicable County standards.
- (5) Lot or Parcel line vacations pursuant to ORS Chapter 92 may be processed as a property line adjustment pursuant to LC 13.130.
- (6) **Vacations pursuant to ORS 368.** Any application for vacation made pursuant to ORS 368.326 through 368.366 must be submitted to and reviewed by the Lane County Surveyor's Office for review and decision by the Board of County Commissioners.

**13.130. Property Line Adjustments****(1) General.**

- (a)** No person may relocate all or a portion of a property line without review and approval of a property line adjustment application or as otherwise provided by LC Chapter 13.
- (b)** Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the Lane County Assessment and Taxation Department for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.
- (c)** An adjustment is not required to comply with zoning regulations if a Court of Competent Jurisdiction issues an order mandating ownership be transferred, but must comply with the procedures in LC 13.130.
- (d)** The elimination of a property line outside of a recorded plat requires recordation of a deed calling out the line being eliminated and a consolidated description of the resultant lawfully established unit of land pursuant to ORS 92, and must comply with the following:
  - (i)** If both lawfully established units of land are vacant and not approved for development, the elimination is exempt from review;
  - (ii)** If one lawfully established unit of land is developed and one is vacant and not approved for development, the elimination is exempt from review; or
  - (iii)** If both lawfully established units of land are developed or approved for development, application pursuant to Type II procedures according to LC Chapter 14 is required for the elimination to review consistency with zoning regulations.
- (e)** The elimination of a property line within a recorded plat requires application pursuant to Type II procedures according to LC Chapter 14, to review the proposed elimination for consistency with the original conditions of approval of the approved land division.
- (f)** A property line adjustment of a common property line between two abutting F-1 zoned properties where each lawfully created unit of land is vacant and larger than 200 acres before and after the property line adjustment is exempt from review by the Director, but must still comply with ORS Chapter 92 provisions.

**(2) Submittal Standards.**

- (a)** In addition to the submittal requirements identified in LC Chapter 14, an application for a property line adjustment must include a tentative map for the proposed property line adjustment. The map must be drawn to an engineer's scale, drawn on 8 ½" x 11" or 11" x 17" size paper and include the following:
  - (i)** Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The



existing and proposed property configurations will be shown on separate sheets of paper.

- (ii) Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.
  - (iii) North arrow and scale.
  - (iv) Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.
  - (v) Location and dimensions of existing and proposed driveways, as well as adjacent driveways within 100 feet.
  - (vi) Location of wells or name of water district and location of water meter(s).
  - (vii) Location of on-site wastewater treatment systems or name of sanitary sewer district.
  - (viii) Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit.
  - (ix) Existing structures and the distance from each structure to the existing and proposed property lines.
    - (aa) Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned F1 or F2) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.
  - (b) Evidence that the subject properties are legal lots pursuant to LC 13.140. Pursuant to LC 14.030(2), the property line adjustment application can be consolidated with a legal lot verification application, if requested by the applicant.
  - (c) A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.
- (3) **General Criteria.** A Property Line Adjustment requires application pursuant to Type I procedures according to LC Chapter 14, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, pursuant to Type I procedures according to LC Chapter 14, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:
- (a) The property line adjustment cannot:
    - (i) Create an additional lot or parcel; or
    - (ii) Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions.

- (b)** All properties affected by the proposed adjustment are legal lots pursuant to LC 13.140.
- (c)** A property line adjustment must comply with ORS Chapter 92 and Lane County Surveyor's office policies.
- (d)** A property line adjustment in an F-1, F-2, or EFU Zone must also comply with subsection (4) of this section. An adjustment in the F-1, F-2, or EFU zone subject to review under ORS 92.192(4)(a) – (c) and LC 13.130(4)(a)(ii) below requires application pursuant to Type II procedures according to LC Chapter 14.
- (e)** A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:
  - (i)** One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or
  - (ii)** Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.
- (f)** A substandard lot or parcel that is greater than two acres may not be reduced below two acres unless the minimum lot or parcel size for the applicable zone is less than two acres.
- (g)** A property line adjustment is subject to the property line setbacks listed in Table 1 below for the applicable zoning district(s), except in the following circumstances:
  - (i)** Where the setbacks from existing structures and improvements are already nonconforming, they may remain nonconforming;
  - (ii)** The property line adjustment may not make setbacks nonconforming or more nonconforming without:
    - (aa)** A setback variance approval or an increase in a nonconforming use approval pursuant to LC Chapters 13 and 16;
  - (iii)** An application, pursuant to Type II procedure according to LC Chapter 14, for lawfully established units of land zoned F-1 or F-2 when current setbacks are over 130 feet, but the proposed setback is between 30-130 feet away from an existing or approved residential structure. If the applicant can adequately address the siting standards of the applicable base zone and LC 13.130, then the application may be approved.
- (h)** A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:
  - (i)** Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or
  - (ii)** Five acres if not on high value farm or forest land; unless

- (iii) The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.
- (i) Split-zoned properties:
  - (i) A property line adjustment that would result in property(ies) being split between resource and a non-resource zone may be allowed if the resource-zoned property that is adjusted to include non-resource zoned land cannot be eligible for non-resource use on the resource-zoned portion of the property without land use approval. Deed restrictions, pursuant to subsection (6)(b)(iv) of this section, will ensure compliance.
  - (ii) The deed restriction form will be provided by staff for the signature by the property owner, who will be responsible for fees for document preparation and recording.
- (j) If lawfully established units of land subject to the property line adjustment application span multiple jurisdictions, all jurisdictions must review and approve the property line adjustment. The applicant must address approval criteria related to property line adjustments for each jurisdiction.
- (k) The adjusted lawfully established units of land would retain or create legal access in accordance with LC Chapter 15.
- (4) **F-1, F-2, and EFU Zone Criteria.** In addition to the standards and criteria in subsection (3) of this section, a property line adjustment in the F-1, F-2, and EFU Zones is subject to the following standards and criteria:
  - (a) A property line adjustment cannot be used to:
    - (i) Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or
    - (ii) As prohibited by ORS 92.192(4)(a) – (c), in a manner that would:
      - (aa) Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
      - (bb) Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

- (cc) Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard.

**(5) Property Line Adjustments within a Plat.**

- (a) Property line adjustments within a plat must comply with the replatting requirements of LC 13.120. The proposal can be processed as a property line adjustment if the proposal is only a minor shift in property lines.
- (b) If a property line adjustment within a plat qualifies as a property line adjustment rather than a replat, it must comply with LC 13.130.

**(6) Final Approval.**

- (a) Within two years of the tentative approval, the applicant must comply with the requirements of this section to complete the property line adjustment. The Director may, upon written request from the applicant or owner prior to the expiration date, grant written extensions of the approval period pursuant to LC 14.090(6).
- (b) To obtain final approval, the applicant must submit a copy of all necessary documents to the Director prior to the expiration of the application:
  - (i) All property line adjustments must comply with ORS Chapter 92 and be memorialized by a declaration of property line adjustment (property in same ownership) or property line adjustment deed.
  - (ii) For property line adjustments resulting in one or more properties smaller than ten acres, submit a survey conforming to the standards of the County Surveyor to the County Surveyor’s office in accordance with ORS 92; or
  - (iii) When a survey is not required by ORS 92, the owner must include the approved site plan as an exhibit to the property line adjustment deed. The site plan must clearly show and label the old property line with dash marks and the new property line as a solid line. The map must also contain the following language: “This map is not a survey and the property lines are approximate.”

**Table 1**

**Lane Code Chapter 10 Zoning**

ZONE	DESCRIPTION	SETBACK		Notes
		Side	Rear	
AGT	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	15'	20'	5' for accessory building
AGT5	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	15'	20'	5' for accessory building
AO	AIRPORT OPERATIONS DISTRICT	5'	5'	
AV	AIRPORT VICINITY DISTRICT	5'	5'	
C1	LIMITED COMMERCIAL DISTRICT	5'	5'	
C2	NEIGHBORHOOD COMMERCIAL DISTRICT	0	0	

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C3	COMMERCIAL DISTRICT	0	0	
CA	RURAL COMMERCIAL DISTRICT	10'	10'	
CT	TOURIST COMMERCIAL DISTRICT	10'	10'	
EFU	EXCLUSIVE FARM USE DISTRICT	15'	20'	5' for accessory building
F1	IMPORTANT FOREST LAND DISTRICT	0	0	
F2	FOREST LAND DISTRICT	0	0	
FF20	FARM-FORESTRY DISTRICT (20 ACRE MINIMUM)	15'	20'	5' for accessory building
FM	FOREST MANAGEMENT DISTRICT	0	0	
GR10	GENERAL RURAL DISTRICT	15'	20'	5' for accessory building
M1	LIMITED INDUSTRIAL DISTRICT	0	0	
M2	LIGHT INDUSTRIAL DISTRICT	0	0	
M3	HEAVY INDUSTRIAL DISTRICT	0	0	
NR	NATURAL RESOURCE DISTRICT	15'	20'	5' for accessory building
PR	PUBLIC RESERVE DISTRICT	10'	10'	
R1	SINGLE FAMILY RESIDENTIAL DISTRICT	5'	5'	
RA	SUBURBAN RESIDENTIAL DISTRICT	5'	5'	
RA/MH	SUBURBAN RESIDENTIAL / MOBILE HOME DISTRICT	5'	5'	
RR	RURAL RESIDENTIAL DISTRICT	15'	20'	
RR1	RURAL RESIDENTIAL DISTRICT (1 ACRE MINIMUM)	15'	20'	
RR10	RURAL RESIDENTIAL DISTRICT (10 ACRE MINIMUM)	15'	20'	
RR2	RURAL RESIDENTIAL DISTRICT (2 ACRE MINIMUM)	15'	20'	
RR5	RURAL RESIDENTIAL DISTRICT (5 ACRE MINIMUM)	15'	20'	

Lane Code Chapter 16 Zoning			
ZONE	DESCRIPTION	SETBACK	
		Side	Notes/Additional Setbacks
AO	AIRPORT OPERATIONS	5'	0 for nonresidential uses
C2	NEIGHBORHOOD COMMERCIAL	10'	
C3	COMMERCIAL	10'	
CLWP	CLEAR LAKE WATERSHED PROTECTION AREA	10'	
CR	RURAL COMMERCIAL	10'	
DR	DESTINATION RESORT	30'	
E25	EXCLUSIVE FARM USE (25 ACRE MINIMUM)	10'	
E30	EXCLUSIVE FARM USE (30 ACRE MINIMUM)	10'	
E40	EXCLUSIVE FARM USE (40 ACRE MINIMUM)	10'	
E60	EXCLUSIVE FARM USE (60 ACRE MINIMUM)	10'	
F1	NON-IMPACTED FOREST	30'	130' from a residential structure*
F2	IMPACTED FOREST	30'	130' from a residential structure*
GI	GENERAL INDUSTRIAL	0	20' from residential or resource zones
LI	LIGHT INDUSTRIAL	0	20' from residential or resource zones
M2	LIGHT INDUSTRIAL	10'	
ML	MARGINAL LANDS	10'	
NE	NATURAL ESTUARY	0	
NR	NATURAL RESOURCE	10'	
PF	PUBLIC FACILITY	10'	

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PR	PARK AND RECREATION	10'	
QM	QUARRY AND MINING OPERATIONS	10'	
RC	RURAL COMMERCIAL	10'	
RI	RURAL INDUSTRIAL	10'	
RPF	RURAL PUBLIC FACILITY	10'	
RPR	RURAL PARK AND RECREATION	10'	
RR1	RURAL RESIDENTIAL (1 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR10	RURAL RESIDENTIAL (10 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR10-NRES	NON RESOURCE (10 ACRE MINIMUM)	10'	
RR2	RURAL RESIDENTIAL (2 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR5	RURAL RESIDENTIAL (5 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR5-NRES	NON RESOURCE (5 ACRE MINIMUM)	10'	
SG	SAND, GRAVEL AND ROCK PRODUCTS	50'	150 from residential zones
SG/CP	SAND AND GRAVEL CONTROLLED PROCESSING	50'	150 from residential zones

\* See LC 13.130(3)(f)(ii)(aa) for exception to this setback.

### 13.140. Legal Lot Verification

#### (1) Process:

- (a) A legal lot verification must be reviewed pursuant to Type II procedures according to LC Chapter 14, except:
  - (i) A legal lot verification does not need to be formally reviewed if the lawfully established unit of land is consistent with (aa), (bb), or (cc) in this subsection, and is in the same configuration or has been reconfigured by a lawfully approved property line adjustment application.
    - (aa) Lots or parcels created by filing a final plat for subdivision or partition for which land division approval was granted by the County are considered lawfully created.
    - (bb) Parcels created by the filing or recording of an approved minor or major partition map between 1949-1990 with the County are considered lawfully created.
    - (cc) A lawfully established unit of land already verified as a legal lot and noticed by the County, where that legal lot verification is a final land use decision.
  - (ii) A legal lot verification may be reviewed pursuant to Type I procedures according to LC Chapter 14, only if the subject property was created prior to April 7, 1949, the effective date of the County's earliest Subdivision Ordinance, and the subject property has not changed configuration since that time.
- (b) A preliminary legal lot verification issued prior to January 8, 2010, is recognized as a final legal lot only after:
  - (i) A notice of decision is mailed with an opportunity for appeal pursuant to LC 14.030(1)(b)(ee) and a final decision for approval is issued; or
  - (ii) A new legal lot verification application is made and approved pursuant to LC 13.140.

#### (2) Submittal Standards:

- (a) **Type I:** In addition to the submittal requirements identified in LC Chapter 14, an application for legal lot verification pursuant to Type I procedures must include a copy of the property description card for the subject property and a copy of the oldest deed creating the subject property, listed on that card or a copy of the deed that demonstrates the property was created prior to April 7, 1949.
- (b) **Type II:** In addition to the submittal requirements identified in LC Chapter 14, an application for legal lot verification pursuant to Type II procedures must include the following for each proposed legal lot:

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- (i) A copy of the property description card for the subject property;
  - (ii) A copy of every deed listed on the property description card(s) for the subject property;
  - (iii) An illustration of each deed's description for the subject property. If multiple deeds utilize the same description, those may be consolidated into one illustration;
  - (iv) A narrative of how the parcel was created and changed over time; and
  - (v) Any other documentation that demonstrates how the subject property was lawfully created.
- (3) **Criteria.** A legal lot verification will be approved if the subject property is a lawfully established unit of land as defined by this chapter.



**13.150. Validation of a Unit of Land**

- (1) An application to validate a unit of land that was created by a sale or foreclosure that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to Type II procedures according to LC Chapter 14 if the unit of land:

  - (a) Is not a lawfully established unit of land; and
  - (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
- (2) Notwithstanding LC 13.150(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the County approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the County must also determine that the dwelling qualifies for replacement under the following criteria:

  - (a) Has intact exterior walls and roof structure;
  - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - (c) Has interior wiring for interior lights;and
  - (d) Has a heating system.
- (3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

  - (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
  - (b) The permit does not change or intensify the use of the dwelling or other building.
- (4) An application to validate a unit of land under LC 13.150 is an application for a permit, as defined in ORS 215.402. An application under LC 13.150 is not subject to the minimum lot or parcel sizes established by LC Chapters 10 or 16.
- (5) A unit of land only becomes a lawfully established parcel when the County validates the unit of land under LC 13.150 and according to that approval, the owner of the unit of land records a partition plat within 90 days of validation.
- (6) An application to validate a unit of land may not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- (7) Development or improvement of a parcel created under LC 13.150(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

**13.160. Variance**

- (1) A variance request requires application pursuant to Type II procedures according to LC Chapter 14.
- (2) **Criteria for Approval of Variances.** A variance to the requirements of LC Chapter 13 may be approved if the Director finds compliance with LC 16.256(2).
- (3) Applications for variances must be submitted at the same time an application for land division or property line adjustment is submitted pursuant to LC 14.030(2).

### **13.170. Enforcement**

- (1) In addition to, and not in lieu of any other enforcement mechanism authorized by Lane Code, when the Director determines that a person has failed to comply with any provision of LC Chapter 13, the Director may impose upon a responsible person an administrative civil penalty as provided by LC 5.017.
- (2) In addition to penalties provided for by LC 13.180(1) above, the Director may revoke or suspend approval for violations of LC Chapter 13 pursuant to LC 14.090(7).
- (3) Whenever the Director determines that property has been partitioned or subdivided in a manner contrary to any of the provisions of this chapter, the Director may prepare a report describing the nature thereof, the legal description of the property and the name of the property owner. Upon review of the report, and concurrence by the Office of Legal Counsel, the Director will record the report, with a statement that no building permits will be issued for the described property, in Lane County Deeds and Records. The Director must promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the failure to comply ceases to exist or is changed, the Director must record an appropriate statement setting forth the current status of the property insofar as its relationship to the provisions of this chapter is concerned. Nothing in this section can be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this chapter.
- (4) The enactment or amendment of this chapter cannot invalidate any prior existing or future prosecutions for violations, or failures to comply, committed under previous applicable Sections of LC Chapter 13 then in effect.

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CHAPTER 16 CONTENTS

16.090 Definitions.

16.095 Compliance with LC Chapter 15, Roads.

DEVELOPMENTAL APPROVAL PROCEDURES

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

**16.090 Definitions.**

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

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

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

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

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

Agriculture. Synonymous with definition of "farm use."

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

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

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

(b) "Agricultural building" does not include:

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

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

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

(d) "Equine facility" does not include:

- (i) A dwelling;
- (ii) A structure in which more than 10 persons are present at any one time;
- (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;

or

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

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

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

Amendment, Minor. A change to a preliminary plan, plat or map which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

Biofuel. The liquid, gaseous or solid fuels derived from biomass.

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

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

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

Board. Board of County Commissioners of Lane County.

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

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

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

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

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

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

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

Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings.

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

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

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

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

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

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

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

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

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

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

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

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

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

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

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

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

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

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

Cultured Christmas Trees. Means trees:

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

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

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);
- (8) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- (9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- (10) Any land described under ORS 321.267(3) or 321.824(3); and
- (11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:
  - (a) Only the crops of the landowner are being processed;
  - (b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
  - (c) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Day. A calendar day, computed consistent with ORS 174.120.

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

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

Department. The Lane County Department of Public Works.

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

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

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



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

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

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

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

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

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

(1) “Disposal site” does not include:

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

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

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

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

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

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

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

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

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

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

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

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

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Forest Uses. Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

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

Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for which

the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

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

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

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

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

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

Guest House, Servant's Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

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

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

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

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

The above sites are also identified separately in LM 11.300.

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

Hydraulic. Related to the movement or pressure of water.

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

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

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

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

Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will

substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

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

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

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

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

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

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

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

Lawfully Established Unit of Land.

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
- (2) Another unit of land:
  - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
  - (c) That received legal lot verification from the County and was noticed pursuant LC 13.140.

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

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

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

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

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

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

Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.

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

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

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

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

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

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

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

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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

Marijuana processing. A use where a marijuana processor processes marijuana.

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

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

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

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

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

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

Marijuana production.

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

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

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

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

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

i. The definition of “produces” does not include:

1. Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

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

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

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

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

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

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

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

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

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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

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

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

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

**Mobile Home.** A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January 1, 1962; or a mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities is intended for human occupancy and is being used for residential purposes and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

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

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

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

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

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

**100 Year Flood.** See "Base Flood".

**Ordinary High Water.** The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

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

**Outdoor Advertising and Structure.** Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree,



wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

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

Parcel.

(1) Includes a unit of land created:

- (a) by partitioning land as defined in LC 16.090,
- (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
- (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

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

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

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

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

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

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

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

- (1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;
- (3) Dividing land as a result of the recording of a subdivision or condominium plat;
- (4) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

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

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

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

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

Planning Commission. The Planning Commission of Lane County, Oregon.

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

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

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

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

Property Line. "Property line" means the division line between two units of land.

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

Received. Acquired by or taken into possession by the Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rural Land. Land outside urban growth boundaries that is:

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

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

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

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

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

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

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

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

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

**Sign.** Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

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

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

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

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

**Structure.** Synonymous with the definition of building.

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

**Structure or Facility that Provides Water-Dependent Access.** For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers,

docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, “access” means physical contact with or use of the water.

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

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

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

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

Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

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

Tract.

- (1) A lot or parcel as defined in LC 16.090.
- (2) For the purposes of LC 16.211, “Tract” means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

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

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

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

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

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

- (a) “Access” means physical contact with or use of the water;
- (b) “Energy production” means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

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

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

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

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

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

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

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

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

(a) Aquaculture.

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

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

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

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

(f) Recreational. Recreational marinas, boat ramps and support.

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

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

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

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

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

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

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

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16; 18-02, 8.9.18)*

**16.095 Compliance with LC Chapter 15, Roads.**

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

**DEVELOPMENTAL APPROVAL PROCEDURES  
RURAL COMPREHENSIVE PLAN****16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.**

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

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

(2) Ex Parte Contacts. A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.070(5). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02; 18-02, 8.9.18 )*

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PAGES 16-46 THROUGH 16-56  
ARE RESERVED FOR FUTURE EXPANSION

**16.250 Parking Areas.**

Required garages and parking areas for residential and industrial development will be found under the zoning classification.

(1) Residential Properties. The regulations of this subsection are in addition to off street parking requirements of specific zones.

(a) When a single-family residence is located on a site inaccessible by automobile due to topographic conditions or excessive grades, a private garage or parking space shall not be required.

(b) Unless otherwise allowed by the zone, and exclusive of recreational vehicles, off street parking shall be limited to passenger cars, vans and pickups of not more than one ton manufacturer's capacity rating or comparable size. This size limitation does not apply to vehicles being used in conjunction with Rural Home Occupations.

(c) Commercial vehicles other than allowed by LC 16.250(b) above may be parked on residential properties only for reasonable periods of time for deliveries, structural repair and similar purposes.

(d) Recreational or utility vehicles, including, but not limited to, boats and boat trailers, campers and residential-type utility trailers, shall not be parked or stored on the property at any time in a location obstructing motorists' vision clearance of roadways.

(e) Unless otherwise allowed by the zone, off street parking areas shall not be used for the dismantling of any vehicle for the purpose of selling, trading or dealing in any manner with components thereof as a primary or secondary business.

(f) (i) Inoperable vehicles and parts thereof, junk or salvage materials may be visibly stored on the premises unless such storage interferes with the reasonable use and enjoyment of other lots within 300 feet of the lot use for storage. In that event, all automotive parts, junk, salvage material and all but one inoperable vehicle shall be stored in a location not visible from any adjacent road or from ground level of lots within 300 feet which are of similar elevation as the lot upon which the storage is taking place, or shall be screened to prevent such visibility. The allowable inoperable vehicle may be stored within the structural setback area, but shall not be parked or stored at any time in a location obstructing motorists' vision clearance of roadways. Nothing in this subsection shall be construed as allowing storage within the front structural setback area except as otherwise allowed herein.

(ii) Names of residents filing complaints under provisions of LC 16.250(1)(f)(I) above shall be a matter of public record.

(g) Except as allowed by this Chapter, vehicles belonging to persons other than those residing on the lot shall not be stored or repaired for remuneration, traded, sold or offered for sale from the property. This includes vehicles left on consignment and vehicles owned temporarily primarily for resale. The sale of more than two vehicles per family member from one lot within a 12-month period shall be interpreted as "temporary ownership" unless the family member has owned said vehicles longer than 12 months.

(h) Storage of refrigerators, freezers or other airtight compartments containing more than one and one-half cubic feet shall not occur at any time until the doors have been removed or secured, latches removed or other precautions taken so the compartment can be easily opened from the inside. Any appliance stored in violation of this subsection may be removed by the County from the premises and stored elsewhere at the owner's expense, or other remedial action taken to secure immediate compliance.

(2) Nonresidential Private Parking.

(a) Automobile parking space allowing 300 square feet per automobile (parking, plus driving space) shall be provided and maintained for any new or enlarged building as listed below:

(i) Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure; provided that 50 percent of the required number may be supplied by off street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal operating hours of the place of assembly.



(ii) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first 20 individual guest rooms, and one additional parking space for every three guest rooms in excess of 20.

(iii) Auto courts shall provide at least one parking space for each lodging unit.

(iv) For fraternity, sorority and student houses, at least one parking space for each lodging unit.

(v) For hospitals and welfare institutions, at least one permanently maintained parking space for each 300 square feet of floor area.

(vi) Clinics shall provide at least two parking spaces for each consultation and operating room.

(vii) For business or commercial buildings or structures, at least one permanently maintained parking space for every 300 square feet or fraction thereof of floor space within the building, exclusive of automobile parking space.

(viii) Mortuaries shall provide parking spaces for all people employed therein, plus at least one parking space for each 200 square feet of building floor area.

(b) Parking spaces shall be on the lot with the main building or structure, or located not more than 800 feet there from.

(3) Loading Space. In addition to the 10-foot setback requirement from the centerline of the alley, every hospital, hotel, institution, commercial or industrial building hereafter erected or established which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space for commercial vehicles of not less than 10 feet in width and 22 feet in length for each 4,000 square feet of lot area or fraction thereof upon which the building is located; provided that not more than two such loading spaces shall be required.

(4) Public Parking Areas. Land hereafter used for public parking areas shall be developed according to the following standards:

(a) Asphaltic, concrete or other approved type of surfacing.

(b) Bumper guards where needed.

(c) An ornamental fence, wall or hedge enclosing the parking area to a height not less than three feet nor more than six feet, but adhering to the vision clearance and front and side yard setbacks established for the zone district in which it is located. Said fence, wall or hedge shall be maintained in good condition.

(d) When a parking lot adjoins property classified in an "R" Zone, the setback for the parking lot shall conform to the requirements for the adjacent "R" Zone and the ornamental fence, wall or hedge between the "R" Zone and the parking lot shall be six feet in height.

(5) Height.

(a) Height limits established for the various zones refer to the height of the building proper. Roof structures, such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures, may exceed the height limit herein prescribed.

(b) On lots sloping downhill from the street, buildings may have an additional story; provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

(6) General Building Setback Requirements.

(a) Side Yard.

(i) No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

(ii) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.

(7) General Lot Area and Width Requirements.

(a) The site area requirements of Chapter 16 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an

approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the E-RCP, F-1, RCP and F-2, RCP Zones, where use of preexisting parcels is provided for in a different manner.

(b) The minimum area requirements of Chapter 16 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, the provisions of this Code, or other County rules and ordinances.

(c) Refer also to partition and subdivision criteria of LC Chapter 13 for other lot area, width and depth requirements which may be applicable. . *(Revised by Ordinance 7-87, Effective 6.17.87; 6-10, 9.17.10)*

**GREENWAY DEVELOPMENT PERMIT  
RURAL COMPREHENSIVE PLAN**

**16.254 Greenway Development Permit.**

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used:

(a) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the U. S. Army Corps of Engineers.

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

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

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

(e) Greenway Development Permit; Permit. A permit authorized pursuant to this section or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinance Nos. 4-76 and 11-76.

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

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

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

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

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

(3) Uses and Activities Subject to Greenway Development Permits. Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zones, including public improvements and including partitions and subdivisions as defined and reviewed according to LC Chapter 13 procedures, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

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

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

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

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

(e) Erosion control operations required in emergency situations for the safety and protection of property.

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

(g) Farm use.

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

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

(j) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use.

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

(l) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of 16.254(4) below and notification requirements of LC 16.254(7) below.

(i) Planned Unit Developments, as provided in 10.700.

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

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

(a) Criteria.

(i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

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

(iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3 and minimize interference with the long-term capacity of lands for farm use.

(iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

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

(vi) Minimize vandalism and trespass.

(vii) Locate development away from the river to the greatest possible degree.

(viii) Protect significant fish, wildlife habitat and natural areas.

(ix) Is compatible with the Willamette River Greenway based upon the following considerations:

(aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

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

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

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

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

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

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

(hh) Protection from erosion.

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

(b) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, Except for a water related or water dependent use.

(5) Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

(a) Special yards and spaces.

(b) Fences and walls.

(c) Special off street parking and loading requirements.

(d) Street and road dedications and improvements (or bonds).

(e) Control of points of vehicular ingress and egress.

(f) Special provisions on signs.

(g) Landscaping and maintenance thereof.

(h) Maintenance of grounds.

(i) Control of noise vibration, odors or other similar nuisances.

- (j) A time period within which the proposed use shall be developed.
  - (k) A limit on total duration of use.
  - (l) Control of scale, bulk and coverage of proposal.
- (6) Application and Review Procedure. Application for a Greenway Development Permit shall be made pursuant to the Type II procedures of LC Chapter 14.
- (7) Additional Notice. Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing. Notice of the action taken by Lane County on an application shall be furnished by regular mail to the State Department of Transportation.
- (8) Conflicting Provisions. In the case of any conflict between the provisions of this section and other provisions in Lane Code, the more restrictive provisions shall apply.
- (9) Nonauthority for Public Use of Private Property. Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.
- (10) Nonconforming Uses. Except as modified in this section, LC 16.251(1) to (8) shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 16.254(2)(f) and (g) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 18-02, 8.9.18)*

**16.300 Land Divisions.**

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.030. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**Ordinance No. 18-07**  
**Exhibit B**  
**Findings of Fact & Conclusions**

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**LC 12.005 Purpose.**

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

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

**LC 12.050 Method of Adoption and Amendment**

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

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

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

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

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

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

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



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10.100-30

**LEGISLATIVE  
FORMAT**

Lane Code

10.100-30

**10.100-30 Land Division Requirements.**

Land within the EFU District shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land division shall be effected only by partition as defined by LC **Chapter 13-010(5)**. Subdivision of land as defined by LC **Chapter 13-010(9)** is expressly prohibited.

(2) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.100-10(2). *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

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Lane Code

10.106-15

**10.106-15 Land Division Requirements.**

(1) Land within the A-1 District shall be subject to the following provisions for addition to the requirements of LC Chapter 13.

(a) Land division shall be effected only by partition as defined by LC **Chapter** ~~13.010(5)~~. Subdivision of land as defined by LC **Chapter** ~~13.010(9)~~ is expressly prohibited.

(b) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.106-10(2).

(c) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(d) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

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10.107-20

**LEGISLATIVE  
FORMAT**

Lane Code

10.107-20

**10.107-20 Land Division Requirements.**

Land with the Limited Agricultural Land District (A-2) shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land divisions shall be effected only by partition as defined by LC **Chapter 13.010(5)**. Subdivision of land as defined by LC **Chapter 13.011(9)** is expressly prohibited.

(2) ~~The exclusion of lands subject to the provisions of LC Chapter 13, set for in LC 13.010(1)(d) shall not apply to lands within the Limited Agricultural Land District (A-2).~~

~~(3)~~ The division of land within the Limited Agricultural Land District (A-2) by lease or rental for any farm purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.107-10(2) above.

(4) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(5) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

**10.122-40 Lot Area.**

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

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

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

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

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

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

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

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

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

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

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

(b) A majority of parcels located within 100 feet of the property are smaller than five acres. *(Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)*

**10.122-45 Siting of Residential Uses.**

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

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

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

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

(3) The waiver or modification of the requirements of LC 10.122-45(2) above, as applied to construction permits and mobile home placement permits, may be granted only in the manner provided in LC 10.330, Variances. *(Revised by Ordinance No. 10-82, Effective 7.9.82)*

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10.122-50

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10.122-50

**10.122-50 Conceptual Plan Considerations.**

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

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

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

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

**Chapter 13.070(4).**

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

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

(6) Provision for achieving an average gross density of greater than 10 dwelling units per acre for areas designated "Medium Density Residential" in the Metropolitan Area Plan. *(Revised by Ordinance No. 10-82, Effective 7.9.82)*

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**10.300-20 General Lot Area and Width Requirements.**

(1) The site area requirements of LC Chapter 10 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the EFU A-1, A-2, FM, F-1, F-2 and FF Districts, where use of pre-existing parcels as provided for in a different manner.

(2) The minimum area requirements of LC Chapter 10 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by state law, state rules and regulations, the provisions of this Code, or other County rules and ordinances.

(3) Refer also to **partition and subdivision criteria of LC Chapter 13.050—105 Design and Development Standards** for other lot area, width and depth requirements which may be applicable. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 13-73, 11.21.73 (4.17.74); 3-76, 4.7.76; 1-82, As Amended, 4.16.82)*

**10.322-10 Uses and Activities Subject to Greenway Development Permits.**

Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zoning districts, including public improvements and including partitions and subdivisions as defined in LC ~~Chapter-13-020~~, which are proposed for land within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

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

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

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

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

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

(6) Erosion control operations.

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

(8) Farm Use.

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

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

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

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

(b) consistent with recommendations made by Oregon Department of Transportation to Oregon Department of Forestry which are designed to address criteria set forth in Statewide Goal 15, sections c-h.

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

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

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

(b) Unzoned Area Development Permits, as provided in LC 9.700. *(Revised by Ordinance No.*

*1-80, Effective 3.30.80; 10-82, 7.9.82)*

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**10.700-415 Pre-Application Conference.**

Prior to submitting a Pre-Preliminary Application, the applicant, or his or her authorized agent, is encouraged to confer informally with the Land Development Review Committee ~~(as defined in LC Chapter 13-030, "Land Divisions")~~ to discuss the general concept of a PUD as it might relate to the anticipated project. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*



## **Lane Code Chapter 13 – Land Divisions and Property Line Adjustments**

### **Sections:**

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### **13.010. Purpose**

- (1) The purpose of this Chapter is to establish standards for property line adjustments and the division of land by partition or subdivision for areas of Lane County outside of the Urban Growth Boundaries of Eugene and Springfield or outside of the incorporated limits of all other small cities pursuant to ORS Chapters 92, 197, and 215.**
- (2) These regulations are necessary to:**
  - (a) Provide uniform procedures and standards for the division of land;**
  - (b) Coordinate proposals with development plans for highways, utilities, and other public facilities;**
  - (c) Provide for the protection, conservation and proper use of land, water, and other natural resources;**
  - (d) Implement the policies and intent of the Rural Comprehensive Plan;**
  - (e) Ensure adequate lot sizes for homesites and other development;**
  - (f) Encourage safe and convenient access for vehicles, pedestrians, and bicyclists;**
  - (g) Ensure adequate sanitation and water supply services;**

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- (h) **Protect the public from pollution, flood, slides, fire, and other hazards to life and property;**
- (i) **Provide for the accurate and timely recording at Lane County Deeds and Records all newly created property boundaries, street, roads, right-of-ways and easements; and**
- (j) **Protect the public health, safety, and general welfare as defined in ORS Chapters 197 and 215.**

**13.020. General Informational Provisions:**

- (1) **All Subdivision and Partition proposals must conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions, and Partitions, and must conform to the policies of the Lane County Surveyor's Office.**
- (2) **No new lot or parcel created through a Subdivision or Partition can be conveyed without the prior Subdivision or Partition Plan and Final Plat approval by the Director.**
- (3) **No Subdivision or Partition plat can be filed at Lane County Deeds and Records without the signature of the Director and all of the signatures required by law.**
- (4) **All Subdivision or Series Partition proposals must demonstrate that lots or parcels have adequate utilities, such as an adequate potable water supply, ability to install a septic system, and access to electrical systems.**
- (5) **A lot or parcel lawfully created remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided in a lawful manner.**

**13.030. Definitions**

- (1) **When a Term Is Not Defined. Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.**
- (2) **Conflicting Definitions. Where a term defined in section 13.030 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the term in this section will control.**
- (3) **Definitions. For purposes of Chapter 13 of the Lane Code, unless the context requires otherwise, the following words and phrases mean:**
  - (a) **Abut: To share a common boundary with another unit of land.**
  - (b) **Access: Subject to adopted policies and standards, the means by which a lot, parcel, area or tract directly obtains safe, adequate usable, and legal ingress and**

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egress.

- (c) **Area.** The total surface area within the boundary lines of a parcel, lot, or unpartitioned or unsubdivided tract of land, exclusive of County roads, local access roads, or City roads.
- (d) **Board.** The Lane County Board of Commissioners.
- (e) **Building Site.** That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building and appurtenances are existing or proposed, including adequate areas for sewage disposal, light and air clearances, proper drainage, appropriate easements, and if applicable, other items required by the Lane Code.
- (f) **Cluster Subdivision.** A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements, and alternative types of dwellings as specified in LC Chapters 10 and 16.
- (g) **Contiguous.** Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access-public, County, State or Federal street) will not be considered contiguous.
- (h) **Community Water System.** A Community Water System is a public water system that has 15 or more connections used by year-round residents, or that regularly serves 25 or more year-round residents.
- (i) **Dangerous Areas.** Areas that, due to their characteristics, have a potential of creating a risk to people or property if developed for residential uses. Dangerous areas include but are not limited to floodplain and floodway (LC 10.271, 16.244), coastal overlay combining zones (LC 10.240-270, 16.237-243), unstable surface or subsurface conditions, areas identified as dangerous land slide areas, land subject to erosion, groundwater seepage conditions, tsunami inundation, and other geological conditions (LC 10.025-30, 16.005).
- (j) **Department.** The Lane County Department of Public Works.
- (k) **Director.** The Planning Director of Lane County or the Planning Director's designated representative.
- (l) **Improved Spring.** A spring that has been improved with a spring box, screened overflow which discharges to daylight, an outlet pipe provided with a shutoff valve, a bottom drain, an access to manhole with a tightly fitting cover, and a curb around the manhole.
- (m) **Improvement Agreement.** An agreement that, under prescribed circumstances, may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form improved by the Board, in which the

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- developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.
- (n) **Lawfully Established Unit of Land.** A lawfully established unit of land means:
- (i) **A lot or parcel created by filing a final plat for subdivision or partition; or**
  - (ii) **Another unit of land created:**
    - (aa) **In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or**
    - (bb) **By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.**
    - (cc) **Lawfully established unit of land does not mean a unit of land created solely to establish a separate tax account.**
- (o) **Legal Lot.** A lawfully established unit of land that has been verified and noticed by Lane County through a legal lot verification pursuant to LC 13.140. A lot, parcel, or verified lawfully established unit of land that complies with LC 13.140(1)(a)(i) does not require a legal lot verification by the County.
- (p) **Legal Lot Verification.** A determination or decision made pursuant to LC 13.140 that a unit of land is a lawfully established unit of land.
- (q) **Lot.** A single unit of land that is created by a subdivision of land.
- (r) **Minor Shift.** An adjustment of an existing or proposed property line that does not result in any of the following:
- (i) **Modification of acreage of the smaller lot or parcel by more than 25%;**
  - (ii) **Reduction of a lot or parcel to less than 2 acres if said lot or parcel was tentatively approved or platted larger than 2 acres, unless such reduction complies with the minimum lot size of the applicable zoning district;**
  - (iii) **Change in the number of lots or parcels in a plat; or**
  - (iv) **Relocation of access for a lot or parcel.**
- (s) **Panhandle.** A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.
- (t) **Parcel.** A single unit of land that is created by a partition of land.

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- (u) Partition. Either an act of partitioning land or an area or tract of land partitioned.**
- (v) Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.**
- (w) Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year but does not include:**
  - (i) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;**
  - (ii) Adjusting a property line as property line adjustment is defined in LC 13.030;**
  - (iii) Dividing land as a result of the recording of a subdivision or condominium plat;**
  - (iv) Selling or granting by a person to a public agency or public body of property for state highway, County road, City Street or other right-of-way purposes, if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r). However, any property sold or granted for state highway, county road, city street or other right of way purposes continue to be considered a single unit of land until the property is further subdivided or partitioned; or**
  - (v) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.**
- (x) Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Director and accompanied by a security also approved by the Director. The security must be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.**
- (y) Plat. A final diagram and other documents relating to a subdivision, replat, or partition.**
- (z) Property Line. "Property line" means the division line between two units of land.**
- (aa) Property Line Adjustment. Relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.**
- (bb) Public Water System. A public water system is a water system that serves four or more connections or ten or more people for 60 or more days out of the**

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calendar year.

- (cc) **Replat.** The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots or parcels in the subdivision or partition.
- (dd) **Road.** The term road, street, or highway will be considered synonymous and will include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land. "Road" includes those listed in the definition in LC 15.010(35).
- (ee) **Sensitive Areas.** An area that requires special protection because of its landscape, wildlife, or other natural resources. Sensitive areas include but are not limited to wetlands, riparian setback areas (LC 16.253), endangered species habitat, and wildlife habitat areas listed in LM 11.400.
- (ff) **Series Partition.** Series Partition means a series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.
- (gg) **Sewage Facility.** The sewer pipes, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, garbage, or other wastes.
  - (i) **Sewage Facility, Community.** A sewage facility, whether publicly or privately owned, which serves more than one units of land.
  - (ii) **Sewage Facility, Individual.** A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.
  - (iii) **Sewage Facility, Public.** A sewage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided, or is available, for public use.
- (hh) **Spring.** A naturally occurring discharge of flowing water at the ground surface, or into surface water where the flow of water is the result of gravity or artesian pressure. Springs can be derived from groundwater or they can be surface water influenced.
  - (ii) **Street.** The term is synonymous with "road."
- (jj) **Subdivide Land.** To divide an area or tract of land into four or more lots within a calendar year.
- (kk) **Subdivision.** Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.
- (ll) **Subdivision Plat.** A final map or other writings containing all the descriptions,

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**locations, specifications, dedications, provisions, and information concerning a subdivision.**

**(mm) Tract. One or more contiguous lawfully established units of land under the same ownership.**

**(nn) Tentative Plan. A tentative map or diagram related to a subdivision, partition, or replat.**

### **13.040. Partition and Subdivision Procedure**

- (1) Subdivision and Partition Approval is a Two-Step Process. Applications for subdivision or partition approval will be processed first by means of a tentative plan application and secondly a final plat application:**
- (a) Step One: Tentative Plan Application. The tentative plan application must be approved before the final plat can be submitted for review. Tentative plan applications will be processed using Type II procedures according to LC Chapter 14.**
    - (i) Tentative Partition plan applications are subject to LC 13.050 and 13.060.**
    - (ii) Tentative Subdivision plan applications and Tentative Series Partition plan applications are subject to LC 13.070 and 13.080.**
  - (b) Step Two: Final Plat. Compliance with all conditions of approval of the tentative plan must be demonstrated prior to final plat approval. Review of final plat applications will be processed using Type I procedures according to LC Chapter 14 and subject to the submittal requirements of LC 13.090 and criteria of LC 13.100.**
    - (i) Technical Review of the Final Plat.**
      - (aa) Upon receipt of the final plat application and related documents as described in this Chapter, the Director must review the final plat map and documents to determine that the plat conforms with the approved tentative plan, including any special conditions of approval, and that the final plat complies with provisions of this Chapter and any applicable laws.**
      - (bb) The County Surveyor must review the plat for compliance with ORS Chapter 92 requirements for accuracy, completeness, and all prescribed Surveyor's office policies. The County Surveyor will collect separate fees as provided by Lane Manual. The County Surveyor may perform a field inspection to verify that the plat reflects on the ground conditions, and may enter the property for this purpose. If it is determined that there is not full conformity, the County Surveyor must advise the applicant of the changes or additions that must be made, and afford the applicant an opportunity to make such changes or additions.**
      - (cc) When the Director and County Surveyor determine that full conformity has been achieved, both must sign the plat map. The County Surveyor's office will then file the approved plat map and any other necessary documents at Lane County Deeds and Records. The Director will notify the applicant in writing within three days of the filing of the plat and associated documents.**



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- (2) Approval Period. Tentative plan approval will be effective for a period of four years from the date of final approval. The Director may approve a phased subdivision with an overall time frame of more than four years between tentative and final plat approvals pursuant to LC 14.090(5). If the Director approves a phased subdivision, the timeframes must be clearly stated in the original tentative plan conditions of approval.**
- (3) Extensions. An extension of the time period to complete the conditions of approval is allowed provided:
  - (a) All requests for extensions comply with LC 14.090(6).**
  - (b) Tentative plan timeline extensions cannot be approved cumulatively for a period greater than seven years from date of original final approval.**
  - (c) A denial of a request for an extension will not preclude a new application for tentative partition plan or tentative subdivision plan approval set forth in LC Chapter 13.****
- (4) Jurisdictional Overlap.
  - (a) Tentative Plan Applications Involving Jurisdictional Overlap. Whenever a lawfully established unit of land to be divided lies within multiple jurisdictional boundaries the following provisions apply:
    - (i) An urban growth boundary (UGB) or city limits boundary does not necessarily constitute a property line.**
    - (ii) A land division along a city limit, UGB boundary, or County boundary can be approved if all lots or parcels within Lane County's jurisdiction meet County standards, provided both the city or adjoining county and Lane County approve the land division.******

### **13.050. Tentative Partition Plan Submittal Requirements**

#### **(1) Submittal Requirements:**

- (a) Applicability: An application for tentative plan approval must be filed with the Department pursuant to Type II procedures according to LC Chapter 14. The application must be submitted with the required filing fee on a form provided by the Director and address all approval criteria.**
- (b) The following information is required to be included on the tentative plan or by separate attachment:**
  - (i) General Information:**
    - (aa) Assessor's map and tax lot number of the subject property.**
    - (bb) The date the tentative plan was prepared.**
    - (cc) Drawing scale and north arrow.**
    - (dd) "Tentative Partition Plan" must be contained within the title.**
    - (ee) Zoning of the subject property, including any overlay zones.**
    - (ff) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey.**
    - (gg) Map of the subject property or properties being divided, in its current configuration.**
    - (hh) Evidence that the subject property is a legal lot or multiple legal lots.**
  - (ii) Existing Conditions. Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information on existing conditions:**
    - (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of any existing access point(s), and any driveways within 100 feet of the existing access point(s). Describe and include areas of vacated right-of-way.**
    - (bb) City limits and urban growth boundary lines.**
    - (cc) Location, width, and purpose of all existing recorded easements on and abutting the site.**

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- (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting.
  - (ee) Location and identify ownership of all utilities on and adjacent to the site.
  - (ff) Location of all existing subsurface sewage facilities, including drain fields and associated easements on the site.
  - (gg) Location of any existing well or other domestic water source on the site, including water lines.
  - (hh) All known dangerous areas, sensitive areas, and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, tidal flats, floodplain, steep slopes, known landslide hazard areas, geologically unstable areas, and unstable soils.
- (iii) Proposed Development. Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information:
- (aa) Approximate dimensions, area calculation (e.g., in square feet or acres), and identification numbers for all proposed parcels and tracts.
  - (bb) Location, names, right-of-way dimensions, and approximate radius of street curves. All streets that are being held for private use and all reservations and restrictions relating to such private tracts must be identified.
  - (cc) Location, width, and purpose of all proposed easements.
  - (dd) Proposed deed restrictions, if any, in outline form.
  - (ee) The approximate location and identification of other utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage facilities, proposed electrical lines, underground or above ground, as applicable.
  - (ff) Evidence of compliance with the applicable base zoning.
    - (A) For all land divisions within an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
    - (B) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.

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- (gg) **If access is taken across property that is located in another road authority's jurisdiction, provide evidence demonstrating compliance with said jurisdiction's access standards.**
- (iv) **Any of the following information may be required by the Director to supplement a proposed tentative plan:**

  - (aa) **For parcels within an adopted urban growth boundary, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the tentative plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10%. Ground elevations will comply with the following intervals dependent on slope:**

    - (A) **One-foot contour intervals for ground slopes up to 5%;**
    - (B) **Two-foot contour intervals for ground slopes between 5% and 10%; or**
    - (C) **Five-foot contour intervals for ground slopes exceeding 10%.**
  - (bb) **Where the tentative plan includes natural features subject to the conditions or requirements contained in Lane Code, materials must be provided to demonstrate that those conditions and/or requirements can be met.**
- (c) **Two (2) paper copies of a tentative plan map for the proposed partition, two (2) copies of all supporting documents, and one electronic copy pursuant to LC 14.020(3)(b). The tentative plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the tentative plan on an 11-inch by 17-inch sheet or smaller.**

**13.060. Tentative Partition Plan Application Review Criteria**

- (1) **Review Criteria:**

  - (a) **Legal Lot. The subject property must be a legal lot or a tract comprised of legal lots pursuant to LC 13.140.**
  - (b) **Conformity with the Zoning. All partitions must conform to all of the applicable zoning requirements in Lane Code.**

    - (i) **If the subject property is located within an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.**

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- (ii) For all partitions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
- (c) Access.

  - (i) A partition or replat must provide for the continuation of existing major and secondary roads in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such roads must meet the minimum requirements for roads set forth in LC Chapter 15, unless an exception is approved per LC 15.709 or 15.900.
  - (ii) Parcels must have verifiable access by way of a road, either a County or City public road, local access road, or a private easement in accordance with the following standards:

    - (aa) Each proposed parcel must abut a public road or private easement for at least 30 feet for access; or
    - (bb) If access is taken across property that is located in another road authority's jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards.
    - (cc) There is a legal right appurtenant to the parcel or parcels to use the road or easement for ingress and egress. A legal right to use an easement may be evidenced by:

      - (A) An express grant or reservation of an easement in a document recorded with the County Recorder;
      - (B) A decree or judgement issued by a court of competent jurisdiction;
      - (C) An order from the Board establishing a statutory way of necessity or gateway road; or
      - (D) An express easement set forth in an approved and recorded subdivision or partition.
    - (dd) The road or private easement complies with LC 15.135.
    - (ee) Improvement of the legal access to each proposed parcel in accordance with LC 15.700-710 is found to be feasible. If improved access is not verified for each parcel during the land division process at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

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- (A) “Legal access improvements have not been verified as part of Partition Plat <sup>^filing number^</sup> and an application to verify physical improvements of the legal access in accordance with Lane Code Chapter 15 requirements will be required prior to submittal of a building or septic permit on <sup>^parcel^</sup>.”
- (B) Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures in accordance with LC Chapter 14, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approve the modification or removal of the Notice document.
- (d) **Dangerous and Sensitive Areas.**

  - (i) Each proposed parcel is configured in such a way that the presence of dangerous and sensitive areas will not preclude or pose a hazard to future development of each parcel.
  - (ii) The Director must consider the recommendation of the County Engineer, municipal officials within Urban Growth Boundaries, and other professional technical sources when determining the presence of dangerous and sensitive area conditions and mitigation measures.
  - (iii) Areas of floodplain, water areas, riparian vegetation, and wetlands will be retained in their natural state to the extent practicable to help preserve water quality and protect water retention, overflow, and natural functions.
  - (iv) The Director may require a statement identifying the presence of dangerous or sensitive areas on the subject property to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded.

    - (aa) Optional: If physical conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit a Type I application with the applicable filing fee to the Department, pursuant to LC 14.030(1)(a), and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.
- (e) **Grading, Excavation and Clearing.** Grading and clearing by mechanical equipment for road and/or development purposes may be restricted or

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regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a 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 must be avoided when detrimental to soil stability and erosion control.

- (f) **Utility Easements.** Easements for utilities must be provided whenever necessary. Such easements must be clearly labeled for their intended purpose.
- (g) **Sewage Facilities.** Each proposed parcel must comply with one of the following options:
  - (i) **If the subject property contains an existing septic system, the applicant is required to complete and submit to the Director an Existing Septic System Certification form, provided by the Director.**
  - (ii) **Public or Community Sewage Facilities:**
    - (aa) **If connection to an existing public or community sewage facility is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.**
    - (bb) **When a new public or community sewage facility is proposed for the division, a master plan for the sewage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.**
  - (iii) **Individual Sewage Facilities:**
    - (aa) **If the proposed parcels will not be connected to a public or community sewage facility, the applicant may demonstrate that each parcel provides sufficient area and suitable soil to accommodate an individual sewage facility at time of final plat;**
    - (bb) **If (aa) above cannot be satisfied, but there is an area on a contiguous legal lot that can accommodate an individual sewage facility, the applicant can propose to record an easement for an off-site facility. If the off-site facility is proposed on a legal lot in a different ownership, written documentation must be provided acknowledging the agreement. This option is not available for vacant contiguous properties zoned F1, F2, or EFU without existing or approved residential use on the vacant legal lot; or**
    - (cc) **If proof of access to a sewage disposal system is not verified for each parcel during the land division process at the request of**

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the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

- (A) “An approved subsurface sewage disposal site evaluation has not been determined as part of Partition Plat <sup>^</sup>filing number<sup>^</sup> and will be required prior to submittal of a septic system installation permit on <sup>^</sup>parcel<sup>^</sup>.”
- (B) Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures in accordance with LC Chapter 14, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approval the modification or removal of the Notice document.

(h) **Water Supply.** Each proposed parcel must comply with following standards:

- (i) **Acceptable water sources:**
  - (aa) A new or existing well or improved spring;
  - (bb) A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 or more days per year;
  - (cc) An existing public water system; or
  - (dd) A new public water system approved by Lane County Environmental Health.
- (ii) Prior to final plat approval, areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant proposed parcels that are less than 20 acres in size:
  - (aa) If the subject property is designated as quantity limited, as listed in Lane Manual 13.010(2), prior to final plat approval, the applicant must submit proof demonstrating it can sustain the proposed development with sufficient water. The Director can require an aquifer study prepared by an Oregon registered geologist.



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- (bb)** If the subject property is located in a quality limited area, as listed in Lane Manual 13.010(1), provide bacteriology/chemical tests that show compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the mapped contaminant prior to final plat approval. At minimum, a test must be conducted on every third well.
- (A)** If contaminants are found in the water, as a condition of tentative approval, recording of a Notice document stating the presence of contaminant(s) on affected parcel(s) may be required. The notice is to be recorded at Lane County Deeds and Records when the final plat is recorded.
- (B)** Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.

**(iii) Water Availability:**

- (aa)** Public or Community Water System. If connection to an existing public or community water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development prior to final plat.
- (bb)** Individual Water Systems. When parcels are to be served by individual or shared water systems, they must comply with either (A) or (B) below.
  - (A)** When parcels will be served by individual or shared water systems, sufficient evidence may be submitted to demonstrate that each parcel will have an adequate supply of water prior to final plat approval. Adequate supply of water for parcels created by a land division must comply with the following standards:
    - (i-i)** For an individual well, the well must produce on average five gallons per minute during a five-hour pump test;
    - (ii-ii)** For a well that produces less than five gallons per minute, but at least one gallon per minute, the

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plans must provide for a storage tank according to Lane Manual 9.160(1)(b); or

(iii-iii) Submit a report prepared by an Oregon registered geologist certifying that the individual or shared water system can adequately supply the potential development of the land division.

(B) If an adequate supply of water is not verified during the partition process pursuant to (aa) or (bb)(A) above at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

(i-i) “Water availability was not verified as part of Partition Plat ^filing number^ and proof of an adequate supply of water may be required to be verified at time of building permit as determined by the Building Official on ^parcel^(s).”

(ii-ii) Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.

(iv) Water Quality. To demonstrate that the available water is potable for any individual or shared water system, prior to final plat application approval the owner may submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:

(aa) Total Coliform and Fecal Coliform/E. Coli

(bb) Nitrates/nitrites

(i) Conditions of Approval. The Director has the right to attach such conditions as are necessary to carry out provisions of Lane Code, and other applicable ordinances and regulations.

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### **13.070. Tentative Subdivision and Series Partition Plan Submittal Requirements**

#### **(1) Submittal Requirements:**

- (a) Applicability: An application for Tentative Subdivision or Series Partition plan approval must be filed with the Department pursuant to Type II procedures, according to LC Chapter 14. The application must be submitted with the applicable filing fee on a form provided by the Director, addressing all approval criteria.**
- (b) The following information is required to be included on the tentative plan or by separate attachment:**
  - (i) General Information:**
    - (aa) Assessor’s map and tax lot number of the subject property.**
    - (bb) Date the tentative plan was prepared.**
    - (cc) Drawing scale and north arrow.**
    - (dd) “Tentative Partition Plan” or “Tentative Subdivision Plan” must be contained within the title.**
    - (ee) Zoning of the subject property, including any overlay zones.**
    - (ff) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey.**
    - (gg) Map of the subject property or properties being divided, in its current configuration.**
    - (hh) Evidence that the subject property is a legal lot or multiple legal lots.**
  - (ii) Existing Conditions. Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information on existing conditions:**
    - (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of any existing access point(s), and any driveways within 100 feet of the existing access point(s). Describe and include areas of vacated right-of-way.**
    - (bb) City limits and Urban Growth Boundary lines.**
    - (cc) Location, width, and purpose of all existing recorded easements on and abutting the site.**

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- (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting.
  - (ee) Location and identify ownership of all utilities on and adjacent to the site.
  - (ff) Location of all existing subsurface sewage facilities, including drain fields and associated easements on the site.
  - (gg) Location of any existing well or other domestic water source on the site, including water lines.
  - (hh) All known dangerous areas, sensitive areas, and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, tidal flats, floodplain, steep slopes, known landslide hazard areas, geologically unstable areas, and unstable soils.
- (iii) Proposed Development. Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information:
- (aa) Approximate dimensions, area calculation (e.g., in square feet or acres), and identification numbers for all proposed lots, parcels and tracts.
  - (bb) Location, names, right-of-way dimensions, approximate radius of street curves, and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts must be identified.
  - (cc) Location, width, and purpose of all proposed easements.
  - (dd) Proposed deed restrictions, if any, in outline form.
  - (ee) Approximate location and identification of utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage facilities, proposed electrical lines, underground or above ground, as applicable.
  - (ff) Evidence of compliance with the applicable base zoning.
    - (A) For all land divisions with an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
    - (B) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence

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that the proposal complies with the density requirements of the applicable plan designation.

- (gg) Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use.
- (hh) For properties subject to coastal combining zones, provide a copy of an approved preliminary investigation or hazards checklist based on the tentative plan map and an approved site investigation report, if required by the preliminary investigation or hazards checklist.
- (ii) For properties regulated by any other overlay or combining zones than those listed in (hh) above, provide documentation that the land division conforms with the overlay zone.
- (jj) Evidence that each proposed lot or parcel can be served by local utility companies or districts.
- (kk) If access is taken across property that is located in another road authority's jurisdiction, provide evidence demonstrating compliance with said jurisdiction's access standards.
- (iv) Any of the following information may be required by the Director to supplement a proposed tentative plan:
  - (aa) For lots or parcels within an adopted Urban Growth Boundary, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the tentative plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10%. Ground elevations will comply with the following intervals dependent on slope:
    - (A) One-foot contour intervals for ground slopes up at 5%;
    - (B) Two-foot contour intervals for ground slopes between 5% and 10%; or
    - (C) Five-foot contour intervals for ground slopes exceeding 10%.
  - (bb) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).
  - (cc) Where the plan includes natural features subject to the conditions or requirements contained in Lane Code, materials may be required to be provided to demonstrate that those conditions and/or requirements can be met.

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- (dd) Profiles of proposed or existing drainage ways or Class 1 streams, and if applicable, a copy of wetland determination or delineation.
  - (ee) If lot areas are proposed to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.
  - (ff) On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the tentative location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards.
  - (gg) If the tentative plan occupies only part of a tract owned or controlled by a developer, a diagram of tentative street layout in the undivided portion.
  - (hh) The Director may require additional information such as hydraulic analyses, hydrologic analyses, or geotechnical reports that demonstrate development can safely occur on the proposed lots or parcels.
  - (ii) Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision or Series Partition, showing the proposed finished grades and the nature and extent of construction.
- (d) Two (2) paper copies of a tentative plan map for the proposed partition or subdivision, two (2) copies of all supporting documents, and one electronic copy pursuant to LC 14.020(3)(b). The tentative plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the tentative y plan on an 11-inch by 17-inch sheet or smaller.
- (e) Cluster Subdivision Specific Submittal Requirements:
- (i) In addition to LC 13.080(1)(o), applications for Cluster Subdivisions must include two copies of a written statement addressing Rural Comprehensive Plan Goal 2 policy 23 and OAR 660-004-0040(7)(e).

**13.080. Tentative Subdivision and Series Partition Plan Application Review Criteria**

**(1) Review Criteria:**

- (a) **Legal Lot.** The subject property or tract must be a legal lot pursuant to LC 13.140.
- (b) **Conformity with the Zoning.** All divisions must conform to all of the applicable zoning requirements in Lane Code.

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- (i) If the subject property is located within an adopted urban growth boundary, the land division must comply with the density requirements of the applicable plan designation.**
- (ii) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.**
- (c) Access.**
  - (i) A subdivision, partition, or replat must provide for the continuation of existing major and secondary roads within adjoining plats, or for their proper projection when adjoining property is not yet divided. Such roads must meet the minimum requirements for roads set forth in LC Chapter 15, unless an exception is approved per LC 15.709 or 15.900.**
  - (ii) Lots or parcels must have verifiable access by way of a road, either a County or City public road, local access road, or a private easement in accordance with the following standards:**
    - (aa) Each proposed lot or parcel must abut a public road or private easement for at least 30 feet for access; or**
    - (bb) If access is taken across property that is located in another road authority's jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards.**
    - (cc) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by:**
      - (A) An express grant or reservation of an easement in a document recorded with the County Recorder;**
      - (B) A decree or judgement issued by a court of competent jurisdiction;**
      - (C) An order from the Board establishing a statutory way of necessity or gateway road; or**
      - (D) An express easement set forth in an approved and recorded subdivision or partition;**
    - (dd) The public road or private easement complies with LC Chapter 15.**
  - (iii) The road provides actual physical access to each of the lots or parcels.**



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- (iv) **County Roads, City Roads, Local Access-Public Roads, and Private Access Easements used to access the lots or parcels must be designed and developed in accordance to LC Chapter 15 requirements or City standards within said jurisdiction.**
- (v) **For the portion of a panhandle tract used to access to the main portion of the tract, the County may require such road improvements and design as necessary to provide safe and adequate access to the main portion of the tract.**
- (d) **Redevelopment Plan. When an entire tract under the applicant's control or ownership is not subdivided or partitioned to the fullest extent allowed by current zoning, the applicant must submit a future plan demonstrating how division and development of the remainder of the tract, including major road connections and intended land uses will be consistent with Lane Code and any applicable adopted refinement plans.**
- (e) **Control Strip. The County can require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:**
  - (i) **To protect the future extension of the road pattern, in length or width;**
  - (ii) **To prevent access to land unsuitable for development; or**
  - (iii) **To prevent or limit access to roads classified as arterials and collectors.**
- (f) **Dangerous and Sensitive Areas.**
  - (i) **Each proposed lot or parcel is configured in a way that dangerous and sensitive areas located on the subject property will not preclude or pose a hazard to future development of each lot or parcel.**
  - (ii) **The Director must consider the recommendation of the County Engineer, municipal officials within Urban Growth Boundaries, and other professional technical sources when determining the presence of dangerous and sensitive area conditions and mitigation measures.**
  - (iii) **Areas of floodplain, water areas, riparian vegetation, and wetlands will be retained in their natural state to the extent practicable to help preserve water quality and protect water retention, overflow, and natural functions.**
  - (iv) **If the Director determines it necessary due to the presence or significance of dangerous and/or sensitive areas on the subject property, the Director can require the applicant to show future building sites for each lot or parcel.**

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- (v) **The Director can impose conditions or modifications necessary to mitigate potential hazards or otherwise provide for compliance with adopted Comprehensive Plan policies and Lane Code provisions. The Director may require a Notice or Restriction document be recorded at Lane County Deeds and Records when the final plat is recorded.**
  - (aa) **Optional: If physical conditions change on a specific lot or parcel, the owner can request from the Director to approve the modification or removal of the Notice or Restriction document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.**
- (g) **Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a 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 must be avoided when detrimental to soil stability and erosion control.**
- (h) **Compliance with State and Federal Permits. Evidence that any required State and Federal permit, as applicable, have been obtained or can reasonably be obtained prior to development that requires those permits.**
- (i) **Utility Easements. Easements for utilities must be provided whenever necessary. Such easements must be clearly labeled for their intended purpose.**
- (j) **Land for Public Purposes and Dedications.**
  - (i) **If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed Subdivision or Series Partition for public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Director may require that those portions of the Subdivision or Series Partition be reserved, for a period not to exceed 90 days, for public acquisition at a cost not to exceed the value of the land.**
  - (ii) **When necessary to enhance public convenience, safety, or as may be designated on an adopted master bike plan or Transportation System Plan, the Director may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of**

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**LC Chapter 15, Roads. Pedestrian and bicycle ways cannot be not less than six feet in width and be paved with asphaltic concrete or Portland cement concrete.**

- (iii) The Director may require as a condition of approval the dedication to the public rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.**
- (k) Lots and Parcels. Except for lots or parcels to be dedicated for parks, recreation, open space, or resource land, the lot or parcel arrangement must be such that there will be no known development constraints such as topography, setbacks, floodplain, expansive soils, soil bearing capacity, erosion potential, or other conditions that would inhibit feasibility of securing building permit to build on all lots or parcels in compliance with Lane Code or in providing driveway access to buildings on such lots from an approved road. No division will be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for public safety.**
- (l) Sewage Facilities. All lots or parcels must be served by sewage disposal facilities that comply with the requirements of the Oregon Department of Environmental Quality requirements.**
  - (i) If the subject property contains an existing septic system, the applicant must complete an Existing Septic System Certification form, provided by the Director.**
  - (ii) Public or Community Sewage Facilities:**
    - (aa) If connection to an existing public or community sewage facilities is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.**
    - (bb) When a new public or community sewage system is proposed for the division, a master plan for the sewage collection and disposal facility must be submitted to Lane County and the State Department of Environmental Quality for approval.**
  - (iii) Individual Sewage Facilities:**
    - (aa) If the proposed lots or parcels will not be connected to a public or community sewage facility, the applicant must demonstrate that each lot or parcel provides sufficient area and suitable soil to accommodate a sewage facility prior to final plat approval.**
      - (A) If this requirement cannot be satisfied, but there is an area on a contiguous legal lot that can accommodate an**

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individual sewage facility, the applicant may propose to record an easement for an off-site facility. If the off-site facility is proposed on a legal lot in a different ownership, written documentation must be provided acknowledging the agreement. This option is not available for vacant contiguous legal lots zoned F1, F2, or EFU without zoning approval for the use.

- (bb) An applicant for a tentative series partition or subdivision must obtain a site suitability evaluation from the County Sanitarian prior to approval of the final plat application for each proposed lot or parcel, except for lots or parcels compliant with (l)(i) or (ii) above.
- (m) **Water Supply.** Each proposed lot or parcel must be served by an adequate water supply of potable water by complying with the following standards:

  - (i) **Acceptable water sources:**

    - (aa) A new or existing well or improved spring;
    - (bb) A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 or more days per year;
    - (cc) An existing public water system; or
    - (dd) A new public water system approved by Lane County Environmental Health.
  - (ii) Areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant proposed lots or parcels less than 20 acres prior to final plat approval:

    - (aa) If the subject property is designated as quantity limited, as listed in Lane Manual 13.010(2), the applicant must submit proof demonstrating it can sustain the proposed development with sufficient potable water. The Director can require an aquifer study prepared by an Oregon registered geologist.
    - (bb) If the property is designated as quality limited, as listed in Lane Manual 13.010(1), the applicant must submit bacteriology/chemical tests that show compliance with standards set by the Oregon State Health Division and Lane County for the specific mapped contaminant. The owner can dispute the designation by submitting a geological report performed by an Oregon registered geologist. At minimum, a

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condition of tentative approval must require a test be conducted on every third well.

- (A) If contaminants that require filtration are found in the water, as a condition of tentative approval, a Notice document providing notice of the contaminant may be required to be recorded at Lane County Deeds and Records when the final plat is recorded.
- (B) Optional: If conditions change on a specific lot or parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.

(iii) Public or Community Water System:

- (aa) If connection to an existing public or community water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
- (bb) The County can require that new community water system be developed to serve lots or parcels when none exist and individual water systems are not feasible due to the density of the lots or parcels or the possibility of problems concerning the long-term availability of adequate quantities of suitable water.

(iv) Individual or Shared Water System:

- (aa) When lots or parcels are to be served by individual or shared water systems, sufficient evidence must be submitted prior to final plat submittal to show that each of the proposed lots or parcels will have an adequate supply of potable water. Adequate supply of potable water for a land division must comply with the following standards:
  - (A) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test;
  - (B) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for a storage tank according to Lane Manual 9.160(1)(b); or

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- (C) **Submit a report prepared by a geologist certifying that the individual or shared water system can adequately supply the potential development of the land division.**
  
- (bb) **To prove up potable water for any individual or shared water system, prior to final plat approval the owner must submit a bacteriology/chemical test conducted by a certified water testing lab, for every third well, showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:**
  - (A) **Total Coliform and Fecal Coliform/E. Coli**
  - (B) **Nitrates/nitrites**
  
- (n) **Conditions of Approval. The Director has the right to attach such conditions as are necessary to carry out provisions of Lane Code, and other applicable ordinances and regulations. The Director may require an Improvement Agreement or Performance Agreement from the Developer as a condition of approval, as necessary.**
  
- (o) **Additional Cluster Subdivision Requirements. These requirements are for tentative cluster subdivision plans and are in addition to LC 13.080(1)(a)-(n) above:**
  - (i) **Compliance with RCP Goal 2 Policy 23; and**
  - (ii) **Compliance with OAR 660-004-0040(7)(e).**

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**13.090. Final Plat Application Submittal Requirements**

- (1) Submittal Requirements. An application for final plat approval must be filed with the Department pursuant to Type I procedures according to LC Chapter 14. The applicant must submit a complete final plat application with the required filing fee within four years of the approval of the tentative plan unless an extension is granted as provided by Lane Code 13.040(3).**
  - (a) The application for final plat approval must be submitted in conformance with LC Chapter 14 Application Requirements.**
  - (b) Supporting documentation showing compliance with all of the conditions of approval of the tentative partition or subdivision approval.**
  - (c) The format of the plat must conform with ORS Chapter 92 and the Lane County Surveyor's Office policies.**

**13.100. Final Plat Application Criteria**

- (1) Approval Criteria. The Director will review and approve or deny the final plat application based on the following criteria:**
  - (a) The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved tentative plan and, if applicable, any modifications as approved pursuant to LC 13.110;**
  - (b) All conditions of approval have been satisfied; and**
  - (c) The plat complies with ORS Chapter 92 and the Lane County Surveyor's Office policies.**
- (2) Unless a contrary intent is clearly depicted or stated in a lawful manner, all underlying lawfully established units of land are vacated or eliminated once the plat is recorded.**
- (3) Final plats will be considered approved by the Director when the Director's signature and dates thereof have been written on the face of the plat and when the plat has been recorded.**
- (4) Approval or denial of a final plat must be provided in writing to the applicant and owner.**

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**13.110. Revisions to Approved Tentative Plans**

- (1) Minor revisions to a tentative approval for a land division may be made by submitting an application pursuant to Type I procedures according to LC Chapter 14. A minor revision is one that satisfies all of the following criteria:**
  - (a) Does not require the revision of any findings addressing the original established approval criteria, development standards, or conditions or approval;**
  - (b) Does not increase the number of lots or parcels created by the subdivision or partition;**
  - (c) Includes only minor shifting of the proposed lot or parcel lines;**
  - (d) Shifting of pedestrian ways, utility easements, parks or other public open spaces, septic system drainfield locations, and well locations may be permitted; or**
  - (e) Does not reduce or enlarge the exterior boundaries on the approved subdivided or partitioned area.**
- (2) All other revisions to tentatively approved plans must be processed as a new application for a request for modification of approval, pursuant to Type II procedures according to LC 14.090(4), and will be subject to the applicable standards in effect at the time the new application is submitted.**

**13.120. Replatting and Vacations**

- (1) Any plat or portion thereof may be replatted or vacated pursuant to this section or ORS 368.**
- (2) The same procedure and standards that apply to the creation of a plat (tentative plan followed by final plat) apply to a replat pursuant to LC 13.040. If the replat consists of only a minor shift in lot or parcel lines, land use approval may be obtained through a Property Line Adjustment application pursuant to LC 13.130.**
- (3) Limitations on replatting include, but are not limited to, the following:**
  - (a) A replat only applies to a recorded plat;**
  - (b) A replat cannot vacate any public street or road; and**
  - (c) A replat of a portion of a recorded plat will not act to vacate any recorded covenants or restrictions.**
- (4) A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys; or if it fails to meet any applicable County standards.**
- (5) Lot or Parcel line vacations pursuant to ORS Chapter 92 may be processed as a**



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**property line adjustment pursuant to LC 13.130.**

- (6) Vacations pursuant to ORS 368. Any application for vacation made pursuant to ORS 368.326 through 368.366 must be submitted to and reviewed by the Lane County Surveyor's Office for review and decision by the Board of County Commissioners.**

**13.130. Property Line Adjustments**

**(1) General.**

- (a) No person may relocate all or a portion of a property line without review and approval of a property line adjustment application or as otherwise provided by LC Chapter 13.**
- (b) Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the Lane County Assessment and Taxation Department for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.**
- (c) An adjustment is not required to comply with zoning regulations if a Court of Competent Jurisdiction issues an order mandating ownership be transferred, but must comply with the procedures in LC 13.130.**
- (d) The elimination of a property line outside of a recorded plat requires recordation of a deed calling out the line being eliminated and a consolidated description of the resultant lawfully established unit of land pursuant to ORS 92, and must comply with the following:**
- (i) If both lawfully established units of land are vacant and not approved for development, the elimination is exempt from review;**
  - (ii) If one lawfully established unit of land is developed and one is vacant and not approved for development, the elimination is exempt from review; or**
  - (iii) If both lawfully established units of land are developed or approved for development, application pursuant to Type II procedures according to LC Chapter 14 is required for the elimination to review consistency with zoning regulations.**
- (e) The elimination of a property line within a recorded plat requires application pursuant to Type II procedures according to LC Chapter 14, to review the proposed elimination for consistency with the original conditions of approval of the approved land division.**
- (f) A property line adjustment of a common property line between two abutting F-1 zoned properties where each lawfully created unit of land is vacant and larger**

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than 200 acres before and after the property line adjustment is exempt from review by the Director, but must still comply with ORS Chapter 92 provisions.

**(2) Submittal Standards.**

- (a) In addition to the submittal requirements identified in LC Chapter 14, an application for a property line adjustment must include a tentative map for the proposed property line adjustment. The map must be drawn to an engineer's scale, drawn on 8 ½" x 11" or 11" x 17" size paper and include the following:**
- (i) Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper.**
  - (ii) Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.**
  - (iii) North arrow and scale.**
  - (iv) Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.**
  - (v) Location and dimensions of existing and proposed driveways, as well as adjacent driveways within 100 feet.**
  - (vi) Location of wells or name of water district and location of water meter(s).**
  - (vii) Location of on-site wastewater treatment systems or name of sanitary sewer district.**
  - (viii) Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit.**
  - (ix) Existing structures and the distance from each structure to the existing and proposed property lines.**
    - (aa) Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned F1 or F2) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.**
- (b) Evidence that the subject properties are legal lots pursuant to LC 13.140. Pursuant to LC 14.030(2), the property line adjustment application can be consolidated with a legal lot verification application, if requested by the applicant.**
- (c) A preliminary title report or title search for each property, to determine ownership**

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and any recorded deed restrictions.

- (3) **General Criteria. A Property Line Adjustment requires application pursuant to Type I procedures according to LC Chapter 14, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, pursuant to Type I procedures according to LC Chapter 14, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:**
- (a) **The property line adjustment cannot:**
    - (i) **Create an additional lot or parcel; or**
    - (ii) **Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions.**
  - (b) **All properties affected by the proposed adjustment are legal lots pursuant to LC 13.140.**
  - (c) **A property line adjustment must comply with ORS Chapter 92 and Lane County Surveyor's office policies.**
  - (d) **A property line adjustment in an F-1, F-2, or EFU Zone must also comply with subsection (4) of this section. An adjustment in the F-1, F-2, or EFU zone subject to review under ORS 92.192(4)(a) – (c) and LC 13.130(4)(a)(ii) below requires application pursuant to Type II procedures according to LC Chapter 14.**
  - (e) **A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:**
    - (i) **One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or**
    - (ii) **Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.**
  - (f) **A substandard lot or parcel that is greater than two acres may not be reduced below two acres unless the minimum lot or parcel size for the applicable zone is less than two acres.**
  - (g) **A property line adjustment is subject to the property line setbacks listed in Table 1 below for the applicable zoning district(s), except in the following circumstances:**
    - (i) **Where the setbacks from existing structures and improvements are already nonconforming, they may remain nonconforming;**
    - (ii) **The property line adjustment may not make setbacks nonconforming or**

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more nonconforming without:

- (aa) A setback variance approval or an increase in a nonconforming use approval pursuant to LC Chapters 13 and 16;
- (iii) An application, pursuant to Type II procedure according to LC Chapter 14, for ~~parcels~~ lawfully established units of land zoned F-1 or F-2 when current setbacks are over 130 feet, but the proposed setback is between 30-130 feet away from an existing or approved residential structure. If the applicant can adequately address the siting standards of the applicable base zone and LC 13.130, then the application may be approved.
- (h) A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:
  - (i) Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or
  - (ii) Five acres if not on high value farm or forest land; unless
  - (iii) The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.
- (i) Split-zoned properties:
  - (i) A property line adjustment that would result in property(ies) being split between resource and a non-resource zone may be allowed if the resource-zoned property that is adjusted to include non-resource zoned land cannot be eligible for non-resource use on the resource-zoned portion of the property without land use approval. Deed restrictions, pursuant to subsection (6)(b)(iv) of this section, will ensure compliance.
  - (ii) The deed restriction form will be provided by staff for the signature by the property owner, who will be responsible for fees for document preparation and recording.
- (j) If lawfully established units of land subject to the property line adjustment application span multiple jurisdictions, all jurisdictions must review and approve the property line adjustment. The applicant must address approval criteria related to property line adjustments for each jurisdiction.
- (k) The adjusted lawfully established units of land would retain or create legal access in accordance with LC Chapter 15.
- (4) F-1, F-2, and EFU Zone Criteria. In addition to the standards and criteria in subsection (3) of this section, a property line adjustment in the F-1, F-2, and EFU Zones is subject to the following standards and criteria:
  - (a) A property line adjustment cannot be used to:

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- (i) **Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or**
                - (ii) **As prohibited by ORS 92.192(4)(a) – (c), in a manner that would:**
                  - (aa) **Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;**
                  - (bb) **Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;**
                  - (cc) **Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard.**
- (5) **Property Line Adjustments within a Plat.**
  - (a) **Property line adjustments within a plat must comply with the replatting requirements of LC 13.120. The proposal can be processed as a property line adjustment if the proposal is only a minor shift in property lines.**
  - (b) **If a property line adjustment within a plat qualifies as a property line adjustment rather than a replat, it must comply with LC 13.130.**
- (6) **Final Approval.**
  - (a) **Within two years of the tentative approval, the applicant must comply with the requirements of this section to complete the property line adjustment. The Director may, upon written request from the applicant or owner prior to the expiration date, grant written extensions of the approval period pursuant to LC 14.090(6).**
  - (b) **To obtain final approval, the applicant must submit a copy of all necessary documents to the Director prior to the expiration of the application:**

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- (i) All property line adjustments must comply with ORS Chapter 92 and be memorialized by a declaration of property line adjustment (property in same ownership) or property line adjustment deed.
- (ii) For property line adjustments resulting in one or more properties smaller than ten acres, submit a survey conforming to the standards of the County Surveyor to the County Surveyor’s office in accordance with ORS 92; or
- (iii) When a survey is not required by ORS 92, the owner must include the approved site plan as an exhibit to the property line adjustment deed. The site plan must clearly show and label the old property line with dash marks and the new property line as a solid line. The map must also contain the following language: “This map is not a survey and the property lines are approximate.”

**Table 1**

Lane Code Chapter 10 Zoning

ZONE	DESCRIPTION	SETBACK		Notes
		Side	Rear	
AGT	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	15'	20'	5' for accessory building
AGT5	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	15'	20'	5' for accessory building
AO	AIRPORT OPERATIONS DISTRICT	5'	5'	
AV	AIRPORT VICINITY DISTRICT	5'	5'	
C1	LIMITED COMMERCIAL DISTRICT	5'	5'	
C2	NEIGHBORHOOD COMMERCIAL DISTRICT	0	0	
C3	COMMERCIAL DISTRICT	0	0	
CA	RURAL COMMERCIAL DISTRICT	10'	10'	
CT	TOURIST COMMERCIAL DISTRICT	10'	10'	
EFU	EXCLUSIVE FARM USE DISTRICT	15'	20'	5' for accessory building
F1	IMPORTANT FOREST LAND DISTRICT	0	0	
F2	FOREST LAND DISTRICT	0	0	
FF20	FARM-FORESTRY DISTRICT (20 ACRE MINIMUM)	15'	20'	5' for accessory building
FM	FOREST MANAGEMENT DISTRICT	0	0	
GR10	GENERAL RURAL DISTRICT	15'	20'	5' for accessory building
M1	LIMITED INDUSTRIAL DISTRICT	0	0	
M2	LIGHT INDUSTRIAL DISTRICT	0	0	
M3	HEAVY INDUSTRIAL DISTRICT	0	0	
NR	NATURAL RESOURCE DISTRICT	15'	20'	5' for accessory building
PR	PUBLIC RESERVE DISTRICT	10'	10'	
R1	SINGLE FAMILY RESIDENTIAL DISTRICT	5'	5'	
RA	SUBURBAN RESIDENTIAL DISTRICT	5'	5'	
RA/M H	SUBURBAN RESIDENTIAL / MOBILE HOME DISTRICT	5'	5'	

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<b>RR</b>	<b>RURAL RESIDENTIAL DISTRICT</b>	<b>15'</b>	<b>20'</b>
<b>RR1</b>	<b>RURAL RESIDENTIAL DISTRICT (1 ACRE MINIMUM)</b>	<b>15'</b>	<b>20'</b>
<b>RR10</b>	<b>RURAL RESIDENTIAL DISTRICT (10 ACRE MINIMUM)</b>	<b>15'</b>	<b>20'</b>
<b>RR2</b>	<b>RURAL RESIDENTIAL DISTRICT (2 ACRE MINIMUM)</b>	<b>15'</b>	<b>20'</b>
<b>RR5</b>	<b>RURAL RESIDENTIAL DISTRICT (5 ACRE MINIMUM)</b>	<b>15'</b>	<b>20'</b>

<b>Lane Code Chapter 16 Zoning</b>			
<b>ZONE</b>	<b>DESCRIPTION</b>	<b>SETBACK</b>	
		<b>Side</b>	<b>Notes/Additional Setbacks</b>
<b>AO</b>	<b>AIRPORT OPERATIONS</b>	<b>5'</b>	<b>0 for nonresidential uses</b>
<b>C2</b>	<b>NEIGHBORHOOD COMMERCIAL</b>	<b>10'</b>	
<b>C3</b>	<b>COMMERCIAL</b>	<b>10'</b>	
<b>CLWP</b>	<b>CLEAR LAKE WATERSHED PROTECTION AREA</b>	<b>10'</b>	
<b>CR</b>	<b>RURAL COMMERCIAL</b>	<b>10'</b>	
<b>DR</b>	<b>DESTINATION RESORT</b>	<b>30'</b>	
<b>E25</b>	<b>EXCLUSIVE FARM USE (25 ACRE MINIMUM)</b>	<b>10'</b>	
<b>E30</b>	<b>EXCLUSIVE FARM USE (30 ACRE MINIMUM)</b>	<b>10'</b>	
<b>E40</b>	<b>EXCLUSIVE FARM USE (40 ACRE MINIMUM)</b>	<b>10'</b>	
<b>E60</b>	<b>EXCLUSIVE FARM USE (60 ACRE MINIMUM)</b>	<b>10'</b>	
<b>F1</b>	<b>NON-IMPACTED FOREST</b>	<b>30'</b>	<b>130' from a residential structure*</b>
<b>F2</b>	<b>IMPACTED FOREST</b>	<b>30'</b>	<b>130' from a residential structure*</b>
<b>GI</b>	<b>GENERAL INDUSTRIAL</b>	<b>0</b>	<b>20' from residential or resource zones</b>
<b>LI</b>	<b>LIGHT INDUSTRIAL</b>	<b>0</b>	<b>20' from residential or resource zones</b>
<b>M2</b>	<b>LIGHT INDUSTRIAL</b>	<b>10'</b>	
<b>ML</b>	<b>MARGINAL LANDS</b>	<b>10'</b>	
<b>NE</b>	<b>NATURAL ESTUARY</b>	<b>0</b>	
<b>NR</b>	<b>NATURAL RESOURCE</b>	<b>10'</b>	
<b>PF</b>	<b>PUBLIC FACILITY</b>	<b>10'</b>	
<b>PR</b>	<b>PARK AND RECREATION</b>	<b>10'</b>	
<b>QM</b>	<b>QUARRY AND MINING OPERATIONS</b>	<b>10'</b>	
<b>RC</b>	<b>RURAL COMMERCIAL</b>	<b>10'</b>	
<b>RI</b>	<b>RURAL INDUSTRIAL</b>	<b>10'</b>	
<b>RPF</b>	<b>RURAL PUBLIC FACILITY</b>	<b>10'</b>	
<b>RPR</b>	<b>RURAL PARK AND RECREATION</b>	<b>10'</b>	
<b>RR1</b>	<b>RURAL RESIDENTIAL (1 ACRE MINIMUM)</b>	<b>10'</b>	<b>See LC 16.290 for special setbacks</b>
<b>RR10</b>	<b>RURAL RESIDENTIAL (10 ACRE MINIMUM)</b>	<b>10'</b>	<b>See LC 16.290 for special setbacks</b>
<b>RR10-NRES</b>	<b>NON RESOURCE (10 ACRE MINIMUM)</b>	<b>10'</b>	
<b>RR2</b>	<b>RURAL RESIDENTIAL (2 ACRE MINIMUM)</b>	<b>10'</b>	<b>See LC 16.290 for special setbacks</b>
<b>RR5</b>	<b>RURAL RESIDENTIAL (5 ACRE MINIMUM)</b>	<b>10'</b>	<b>See LC 16.290 for special setbacks</b>
<b>RR5-NRES</b>	<b>NON RESOURCE (5 ACRE MINIMUM)</b>	<b>10'</b>	
<b>SG</b>	<b>SAND, GRAVEL AND ROCK PRODUCTS</b>	<b>50'</b>	<b>150 from residential zones</b>

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<b>SG/CP</b>	<b>SAND AND GRAVEL CONTROLLED PROCESSING</b>	<b>50'</b>	<b>150 from residential zones</b>
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\* See LC 13.130(3)(f)(ii)(aa) for exception to this setback.



### 13.140. Legal Lot Verification

**(1) Process:**

**(a) A legal lot verification must be reviewed pursuant to Type II procedures according to LC Chapter 14, except:**

**(i) A legal lot verification does not need to be formally reviewed if the lawfully established unit of land is consistent with (aa), (bb), or (cc) in this subsection, and is in the same configuration or has been reconfigured by a lawfully approved property line adjustment application.**

**(aa) Lots or parcels created by filing a final plat for subdivision or partition for which land division approval was granted by the County are considered lawfully created.**

**(bb) Parcels created by the filing or recording of an approved minor or major partition map between 1949-1990 with the County are considered lawfully created.**

**(cc) A lawfully established unit of land already verified as a legal lot and noticed by the County, where that legal lot verification is a final land use decision.**

**(ii) A legal lot verification may be reviewed pursuant to Type I procedures according to LC Chapter 14, only if the subject property was created prior to April 7, 1949, the effective date of the County's earliest Subdivision Ordinance, and the subject property has not changed configuration since that time.**

**(b) A preliminary legal lot verification issued prior to January 8, 2010, is recognized as a final legal lot only after:**

**(i) A notice of decision is mailed with an opportunity for appeal pursuant to LC 14.030(1)(b)(ee) and a final decision for approval is issued; or**

**(ii) A new legal lot verification application is made and approved pursuant to LC 13.140.**

**(2) Submittal Standards:**

**(a) Type I: In addition to the submittal requirements identified in LC Chapter 14, an application for legal lot verification pursuant to Type I procedures must include a copy of the property description card for the subject property and a copy of the oldest deed creating the subject property, listed on that card or a copy of the deed that demonstrates the property was created prior to April 7, 1949.**

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- (b) Type II: In addition to the submittal requirements identified in LC Chapter 14, an application for legal lot verification pursuant to Type II procedures must include the following for each proposed legal lot:**
- (i) A copy of the property description card for the subject property;**
  - (ii) A copy of every deed listed on the property description card(s) for the subject property;**
  - (iii) An illustration of each deed's description for the subject property. If multiple deeds utilize the same description, those may be consolidated into one illustration;**
  - (iv) A narrative of how the parcel was created and changed over time; and**
  - (v) Any other documentation that demonstrates how the subject property was lawfully created.**
- (3) Criteria. A legal lot verification will be approved if the subject property is a lawfully established unit of land as defined by this chapter.**

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**13.150. Validation of a Unit of Land**

- (1) An application to validate a unit of land that was created by a sale or foreclosure that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to Type II procedures according to LC Chapter 14 if the unit of land:**

  - (a) Is not a lawfully established unit of land; and**
  - (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.**
- (2) Notwithstanding LC 13.150(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the County approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the County must also determine that the dwelling qualifies for replacement under the following criteria:**

  - (a) Has intact exterior walls and roof structure;**
  - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
  - (c) Has interior wiring for interior lights;and**
  - (d) Has a heating system.**
- (3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:**

  - (a) The dwelling or other building was lawfully established prior to January 1, 2007; and**
  - (b) The permit does not change or intensify the use of the dwelling or other building.**
- (4) An application to validate a unit of land under LC 13.150 is an application for a permit, as defined in ORS 215.402. An application under LC 13.150 is not subject to the minimum lot or parcel sizes established by LC Chapters 10 or 16.**
- (5) A unit of land only becomes a lawfully established parcel when the County validates the unit of land under LC 13.150 and according to that approval, the owner of the unit of land records a partition plat within 90 days of validation.**
- (6) An application to validate a unit of land may not be approved if the unit of land was unlawfully created on or after January 1, 2007.**

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- (7) Development or improvement of a parcel created under LC 13.150(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

**13.160. Variance**

- (1) A variance request requires application pursuant to Type II procedures according to LC Chapter 14.
- (2) **Criteria for Approval of Variances.** A variance to the requirements of LC Chapter 13 may be approved if the Director finds compliance with LC 16.256(2).
- (3) Applications for variances must be submitted at the same time an application for land division or property line adjustment is submitted pursuant to LC 14.030(2).

**13.170. Enforcement**

- (1) In addition to, and not in lieu of any other enforcement mechanism authorized by Lane Code, when the Director determines that a person has failed to comply with any provision of LC Chapter 13, the Director may impose upon a responsible person an administrative civil penalty as provided by LC 5.017.
- (2) In addition to penalties provided for by LC 13.180(1) above, the Director may revoke or suspend approval for violations of LC Chapter 13 pursuant to LC 14.090(7).
- (3) Whenever the Director determines that property has been partitioned or subdivided in a manner contrary to any of the provisions of this chapter, the Director may prepare a report describing the nature thereof, the legal description of the property and the name of the property owner. Upon review of the report, and concurrence by the Office of Legal Counsel, the Director will record the report, with a statement that no building permits will be issued for the described property, in Lane County Deeds and Records. The Director must promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the failure to comply ceases to exist or is changed, the Director must record an appropriate statement setting forth the current status of the property insofar as its relationship to the provisions of this chapter is concerned. Nothing in this section can be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this chapter.
- (4) The enactment or amendment of this chapter cannot invalidate any prior existing or future prosecutions for violations, or failures to comply, committed under previous applicable Sections of LC Chapter 13 then in effect.

**16.090 Definitions.**

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

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

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

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

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

Agriculture. Synonymous with definition of "farm use."

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

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

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

(b) "Agricultural building" does not include:

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

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

- (i) Stabling or training equines; or
  - (ii) Riding lessons and training clinics;
- (d) "Equine facility" does not include:
- (i) A dwelling;
  - (ii) A structure in which more than 10 persons are present at any one time;

(iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;  
or

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

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

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

Amendment, Minor. A change to a preliminary plan, plat or map which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

Biofuel. The liquid, gaseous or solid fuels derived from biomass.

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

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

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

Board. Board of County Commissioners of Lane County.

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

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

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

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

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

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

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

Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings.

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

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

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

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.



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

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

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

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

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

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

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

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

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

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

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

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

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

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

Cultured Christmas Trees. Means trees:



16.090

Lane Code

16.090

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);
- (8) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- (9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- (10) Any land described under ORS 321.267(3) or 321.824(3); and
- (11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:
  - (a) Only the crops of the landowner are being processed;
  - (b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
  - (c) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Day. A calendar day, computed consistent with ORS 174.120.

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

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

Department. The Lane County Department of Public Works.

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

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

- (1) The limits of dredging precision which causes “overdepth”; and
- (2) The practice, where approved by the Corps of Engineers, of “advanced maintenance” overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

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

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

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

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

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

(1) “Disposal site” does not include:

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

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

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

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

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

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

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

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

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

Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable

foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

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

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

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Forest Uses. Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

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

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

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

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

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

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

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

Guest House, Servant's Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

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

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

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

(1) Historically significant.

(2) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (/H-RCP) Zone. The above sites are also identified separately in LM 11.300.

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

Hydraulic. Related to the movement or pressure of water.

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



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

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

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

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

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

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

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

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

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

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

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

Lawfully Established Unit of Land.

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.490~~192~~**192**; or
- (2) Another unit of land:
  - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
  - (c) That received legal lot verification from the County and was noticed pursuant LC 13.140~~020~~**020**.

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

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

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

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

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

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

Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.

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

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

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

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

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

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

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

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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

Marijuana processing. A use where a marijuana processor processes marijuana.

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

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

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

- i. If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility
- ii. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
- iii. A processing facility or establishment must comply with all applicable siting standards.

Marijuana production.

- a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms “farm”, and “farming practice”, as those terms are applied in ORS 30.930.
- b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).
- c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.
- d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.
- e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42)
  - i. The definition of “produces” does not include:
    1. Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.
    2. The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.
- f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))

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

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

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

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

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

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

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



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

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

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

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

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

Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January 1, 1962; or a mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities is intended for human occupancy and is being used for residential purposes and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

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

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

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

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

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

Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

100 Year Flood. See "Base Flood".

Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

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

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

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

Parcel.

(1) Includes a unit of land created:  
(a) by partitioning land as defined in LC 16.090,  
(b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or  
(c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Commission. The Planning Commission of Lane County, Oregon.

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

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

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

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

Property Line. "Property line" means the division line between two units of land.

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

Received. Acquired by or taken into possession by the Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rural Land. Land outside urban growth boundaries that is:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

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

Tract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Aquaculture.

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

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

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not “water dependent uses”

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include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

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

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

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

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

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

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

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

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

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

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16; 18-02, 8.9.18)*



**16.250 Parking Areas.**

Required garages and parking areas for residential and industrial development will be found under the zoning classification.

(1) Residential Properties. The regulations of this subsection are in addition to off street parking requirements of specific zones.

(a) When a single-family residence is located on a site inaccessible by automobile due to topographic conditions or excessive grades, a private garage or parking space shall not be required.

(b) Unless otherwise allowed by the zone, and exclusive of recreational vehicles, off street parking shall be limited to passenger cars, vans and pickups of not more than one ton manufacturer's capacity rating or comparable size. This size limitation does not apply to vehicles being used in conjunction with Rural Home Occupations.

(c) Commercial vehicles other than allowed by LC 16.250(b) above may be parked on residential properties only for reasonable periods of time for deliveries, structural repair and similar purposes.

(d) Recreational or utility vehicles, including, but not limited to, boats and boat trailers, campers and residential-type utility trailers, shall not be parked or stored on the property at any time in a location obstructing motorists' vision clearance of roadways.

(e) Unless otherwise allowed by the zone, off street parking areas shall not be used for the dismantling of any vehicle for the purpose of selling, trading or dealing in any manner with components thereof as a primary or secondary business.

(f) (i) Inoperable vehicles and parts thereof, junk or salvage materials may be visibly stored on the premises unless such storage interferes with the reasonable use and enjoyment of other lots within 300 feet of the lot use for storage. In that event, all automotive parts, junk, salvage material and all but one inoperable vehicle shall be stored in a location not visible from any adjacent road or from ground level of lots within 300 feet which are of similar elevation as the lot upon which the storage is taking place, or shall be screened to prevent such visibility. The allowable inoperable vehicle may be stored within the structural setback area, but shall not be parked or stored at any time in a location obstructing motorists' vision clearance of roadways. Nothing in this subsection shall be construed as allowing storage within the front structural setback area except as otherwise allowed herein.

(ii) Names of residents filing complaints under provisions of LC 16.250(1)(f)(I) above shall be a matter of public record.

(g) Except as allowed by this Chapter, vehicles belonging to persons other than those residing on the lot shall not be stored or repaired for remuneration, traded, sold or offered for sale from the property. This includes vehicles left on consignment and vehicles owned temporarily primarily for resale. The sale of more than two vehicles per family member from one lot within a 12-month period shall be interpreted as "temporary ownership" unless the family member has owned said vehicles longer than 12 months.

(h) Storage of refrigerators, freezers or other airtight compartments containing more than one and one-half cubic feet shall not occur at any time until the doors have been removed or secured, latches removed or other precautions taken so the compartment can be easily opened from the inside. Any appliance stored in violation of this subsection may be removed by the County from the premises and stored elsewhere at the owner's expense, or other remedial action taken to secure immediate compliance.

(2) Nonresidential Private Parking.

(a) Automobile parking space allowing 300 square feet per automobile (parking, plus driving space) shall be provided and maintained for any new or enlarged building as listed below:

(i) Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure; provided that 50 percent of the required number may be supplied

by off street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal operating hours of the place of assembly.

(ii) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first 20 individual guest rooms, and one additional parking space for every three guest rooms in excess of 20.

(iii) Auto courts shall provide at least one parking space for each lodging unit.

(iv) For fraternity, sorority and student houses, at least one parking space for each lodging unit.

(v) For hospitals and welfare institutions, at least one permanently maintained parking space for each 300 square feet of floor area.

(vi) Clinics shall provide at least two parking spaces for each consultation and operating room.

(vii) For business or commercial buildings or structures, at least one permanently maintained parking space for every 300 square feet or fraction thereof of floor space within the building, exclusive of automobile parking space.

(viii) Mortuaries shall provide parking spaces for all people employed therein, plus at least one parking space for each 200 square feet of building floor area.

(b) Parking spaces shall be on the lot with the main building or structure, or located not more than 800 feet there from.

(3) Loading Space. In addition to the 10-foot setback requirement from the centerline of the alley, every hospital, hotel, institution, commercial or industrial building hereafter erected or established which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space for commercial vehicles of not less than 10 feet in width and 22 feet in length for each 4,000 square feet of lot area or fraction thereof upon which the building is located; provided that not more than two such loading spaces shall be required.

(4) Public Parking Areas. Land hereafter used for public parking areas shall be developed according to the following standards:

(a) Asphaltic, concrete or other approved type of surfacing.

(b) Bumper guards where needed.

(c) An ornamental fence, wall or hedge enclosing the parking area to a height not less than three feet nor more than six feet, but adhering to the vision clearance and front and side yard setbacks established for the zone district in which it is located. Said fence, wall or hedge shall be maintained in good condition.

(d) When a parking lot adjoins property classified in an "R" Zone, the setback for the parking lot shall conform to the requirements for the adjacent "R" Zone and the ornamental fence, wall or hedge between the "R" Zone and the parking lot shall be six feet in height.

(5) Height.

(a) Height limits established for the various zones refer to the height of the building proper. Roof structures, such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures, may exceed the height limit herein prescribed.

(b) On lots sloping downhill from the street, buildings may have an additional story; provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

(6) General Building Setback Requirements.

(a) Side Yard.

(i) No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

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(ii) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.

(7) General Lot Area and Width Requirements.

(a) The site area requirements of Chapter 16 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the E-RCP, F-1, RCP and F-2, RCP Zones, where use of preexisting parcels is provided for in a different manner.

(b) The minimum area requirements of Chapter 16 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, the provisions of this Code, or other County rules and ordinances.

(c) Refer also to **partition and subdivision criteria of LC Chapter 13.050 to 13.105** ~~Design and Development Standards~~ for other lot area, width and depth requirements which may be applicable.

*. (Revised by Ordinance 7-87, Effective 6.17.87; 6-10, 9.17.10)*

**GREENWAY DEVELOPMENT PERMIT  
RURAL COMPREHENSIVE PLAN**

**16.254 Greenway Development Permit.**

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used:

(a) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the U. S. Army Corps of Engineers.

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

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

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

(e) Greenway Development Permit; Permit. A permit authorized pursuant to this section or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinance Nos. 4-76 and 11-76.

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

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

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

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

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

(3) Uses and Activities Subject to Greenway Development Permits. Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zones, including public improvements and including partitions and subdivisions as defined **and reviewed according to** ~~in~~ **LC Chapter 13.020 procedures**, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

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

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

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

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

(e) Erosion control operations required in emergency situations for the safety and protection of property.

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

(g) Farm use.

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

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

(j) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use.

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

(l) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of 16.254(4) below and notification requirements of LC 16.254(7) below.

(i) Planned Unit Developments, as provided in 10.700.

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

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

(a) Criteria.

(i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

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

(iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3 and minimize interference with the long-term capacity of lands for farm use.

(iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

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

(vi) Minimize vandalism and trespass.

(vii) Locate development away from the river to the greatest possible degree.

(viii) Protect significant fish, wildlife habitat and natural areas.

(ix) Is compatible with the Willamette River Greenway based upon the following considerations:

(aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

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

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

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

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

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

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

(hh) Protection from erosion.

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

(b) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, Except for a water related or water dependent use.

(5) Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

(a) Special yards and spaces.

(b) Fences and walls.

(c) Special off street parking and loading requirements.

(d) Street and road dedications and improvements (or bonds).

(e) Control of points of vehicular ingress and egress.



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- (f) Special provisions on signs.
- (g) Landscaping and maintenance thereof.
- (h) Maintenance of grounds.
- (i) Control of noise vibration, odors or other similar nuisances.
- (j) A time period within which the proposed use shall be developed.
- (k) A limit on total duration of use.
- (l) Control of scale, bulk and coverage of proposal.

(6) Application and Review Procedure. Application for a Greenway Development Permit shall be made pursuant to the Type II procedures of LC Chapter 14.

(7) Additional Notice. Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing. Notice of the action taken by Lane County on an application shall be furnished by regular mail to the State Department of Transportation.

(8) Conflicting Provisions. In the case of any conflict between the provisions of this section and other provisions in Lane Code, the more restrictive provisions shall apply.

(9) Nonauthority for Public Use of Private Property. Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

(10) Nonconforming Uses. Except as modified in this section, LC 16.251(1) to (8) shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 16.254(2)(f) and (g) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 18-02, 8.9.18)*

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**16.300 Land Divisions.**

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.~~010~~**030**. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*