

TITLE 9

COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code Division 5 — Conditions, Requirements, Development Standards & Criteria

CHAPTER 934

DEVELOPMENT STANDARDS CODE

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I. GENERAL PROVISIONS

934.005 Title; short title

This Chapter, LCC 934.005 to 934.999, shall be known and cited as the “Linn County Development Standards Code.” This Chapter may also be referred to and cited as the “Development Standards Code.”

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99]

934.010 Statement of purpose

(A) The purpose of LCC 934.100 to 934.499 is to provide general provisions and exceptions to general provisions for building height, yard area, frontage conditions, landscaping, screening, materials storage, parking and sign standards for the uses described, in order to promote vehicle safety, enhance the appearance of the community and provide for greater compatibility between adjoining land uses and zoning districts.

(B) The purpose of LCC 934.500 to 934.999 is to provide specific development and performance standards to which uses permitted and approved pursuant to this Development Code must comply in specific zoning districts

[Adopted 98-002 §3 eff 3/4/98]

II. GENERAL DEVELOPMENT STANDARDS

A. STANDARDS; GENERALLY

934.100 Relationship between development standards

(A) Where conflict arises between a standard established in the zoning district and this Chapter, the more restrictive standard shall govern.

(B) Except where specifically limited or prohibited, a variance application to a development standard may be filed pursuant to LCC Chapter 921 (Administration of the Development Code). Approval or denial of a variance application shall be based upon the decision criteria in LCC Chapter 938 (Variance Procedure Code).

[Adopted 98-002 §3 eff 3/4/98]

934.110 Building height, exemptions

(A) The roof structures and architectural features set forth in subsection (B) of this section are exempt from the standard 35-foot height limitation on buildings within a zoning district.

(B) *Exemptions.*

(1) roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building;

(2) fire or parapet walls;

(3) skylights;

(4) towers;

(5) flagpoles;

(6) chimneys and smokestacks;

(7) wireless masts and television antennae.

(C) The structures and features set forth in subsection (B) of this section and similar structures and features may be erected above the height limits prescribed in this Chapter, provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional habitable or storage floor space, and provided that an exemption does not allow a violation of the height restriction limitation within in Airport Overlay.

[Adopted 98-002 §3 eff 3/4/98]

934.120 Riparian habitat setback

In each zoning district, the property development standards include a setback from protected riparian habitats (see Appendix 1, Figure 8 following LCC Chapter 920 (General Provisions), illustrating this riparian habitat setback).

[Adopted 98-002 §3 eff 3/4/98]

934.130 Screening and materials storage

(A) *Undeveloped sites.* Except for dwellings, manufactured dwellings and associated accessory structures, farm uses, and forest uses, development of any undeveloped sites within zoning districts set forth in this subsection shall comply with subsections (C) and (D) of this section.

- Rural Center (RCT),
- Rural Commercial (RCM),
- Freeway Interchange Commercial (FIC),
- Urban Growth Area–Agribusiness (UGA–AB),
- Urban Growth Area–Limited Industrial (UGA–LI),
- Urban Growth Area–Heavy Industrial (UGA–HI),
- Urban Development I (UD–I),
- Urban Development II (UD–II),
- Agribusiness (AB),
- Limited Industrial (LI), and
- Public Services (PS).

(B) *Partially developed sites.* Partially developed sites within the districts set forth in subsection (A) of this section shall

(1) comply with subsections (C) and (D), or,

(2) submit to the Department an alternative plan based upon the existing conditions. The Director shall determine whether the alternative plan complies with the purpose of this section.

(C) *Screening.* An earthen berm, hedge, masonry walls, wood fence, woven-wire fence with view-obscuring slats, or any combination thereof shall be placed on the property line as follows:

- (1) where a side or rear property line adjoins a residential zoning district; or
- (2) where an existing residence is within 100 feet of the side or rear yard. Such screening shall be at least six feet high.

(D) *Materials storage.* Storage of materials, equipment or refuse shall be confined, contained and conducted entirely within an enclosed building or an enclosure consisting of an earthen berm, masonry wall, wood fence, woven-wire fence with view-obscuring slats, or any combination thereof. Such an enclosure must be at least six feet high.

[Adopted 98-002 §3 eff 3/4/98; amd 16-206 §2 eff 7/5/16; amd 19-297 §5 eff 10/8/19]

934.140 Vision clearance area required

(A) On all corner properties, including those located at the intersection of road-related easements and roads, including alleys, a vision clearance area shall be required which shall comply with this section (See Figure 7 in the Appendix 1 to LCC Chapter 920 (Development Code; General Provisions)).

(B) The clear vision area required by this section shall contain no plants, walls, fences, signs, or other structures or obstructions, either temporary or permanent, between the 2½-foot and 10-foot vertical marks, as measured from the grade of the road.

(C) In all zoning districts the vision clearance lines of a vision clearance area shall be:

- (1) not less than 15 feet for corner properties, or
- (2) not less than 7½ feet for road intersections.

[Adopted 98-002 §3 eff 3/4/98; amd 04-051 §1 eff 2/18/04]

[934.160 renumbered LCC 933.140 98-432 §2 eff 10/21/98]

B. YARD STANDARDS

934.200 Yard requirements

(A) Yard requirements for property abutting a partial or future public road right-of-way:

(1) Except as provided in paragraph (2) of this subsection, no building shall be erected on property which abuts a public road having only a portion of its required width dedicated unless the yards provided and maintained in connection with such building have a width or depth needed to complete the public road width, plus the width or depth of the yards required for the property by this section; and

(2) Where the *Transportation Element* of the *Comprehensive Plan* includes provisions for the actions listed in subparagraphs (a) to (c) of this paragraph, the placement of buildings and the establishment of yards, shall relate to the future right-of-way boundaries as proposed in the *Comprehensive Plan*.

- (a) The widening of existing public roads,
- (b) The connecting of existing public roads, or
- (c) The establishment of new public roads
- (d) Any yard setback required by paragraph (2) of this subsection may be increased pursuant to provisions of that transportation element.

(B) No yard provided around one building for the purpose of complying with the regulations of a zoning district shall be considered as providing the required yard for another building.

(C) No yard on adjoining property shall be considered as providing the required yard for another authorized unit of land or development site.

(D) No front yards provided around any building for the purpose of complying with the regulations of a zoning district shall be used for public or private parking areas or garages or other accessory buildings, except as specifically provided in this Chapter.

(E) The *Uniform Building Code* does not allow a building to be constructed across a property line, even if both properties are owned by the same owner.

(1) When a common property line separating two or more contiguous properties is affected by one building permit or when the placement of a building would not fully conform to the required yard space along a common property line, the affected line shall be removed or moved through either:

- (a) a consolidation approved by the Assessor's Office pursuant to LCC 925.030;
- (b) a property line adjustment; or
- (c) the yard standard shall be adjusted through a variance.

(2) If the required adjustment is not granted, the building permit cannot be issued. See LCC Chapter 925 (Property Line Adjustment Code) and LCC Chapter 938 (Variance Procedure Code).

[Adopted 98-002 §3 eff 3/4/98; amd 12-315 §8 eff 12/12/12]

934.205 Yard exceptions and permitted intrusions into required yards

(A) The intrusions set forth in subsection (B) may project into required yards to the extent and under the conditions and limitations indicated.

(B) *Permitted intrusions.*

(1) *Depressed areas.* In any zoning district, open-work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards provided that such devices are not more than 3½ feet high.

(2) *Projecting building features.* The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet provided that such projections are not less than three feet from any interior property line:

- (a) Eaves, cornices, belt course, sills, awnings, buttresses or other similar features;
- (b) Chimneys and fireplaces provided they do not exceed eight feet in width;

(c) Porches, platforms or landings which do not extend above the level of the first floor of the building; and

(d) Signs conforming to all other applicable provisions of LCC 934.210 to 934.217.

(3) *Fences and walls.*

(a) In any residential zoning district, a fence or wall not to exceed six feet in height may be located or maintained within the required yards except where the requirements of vision clearance area apply.

(b) In any commercial or industrial zoning district, fences or walls not to exceed eight feet in height may be located or maintained within the required yards except where the requirements of vision clearance area apply.

(c) Fences or walls exceeding 6 feet in height shall comply with the Building Code as that term is defined in LCC 920.100.

(4) *Parking and driveways.*

(a) In any zoning district, driveways or access ways providing ingress and egress to or from private parking areas or garages, public parking areas or garages, and parking spaces shall be permitted subject to riparian habitat setback, together with any appropriate traffic control devices in any required yard;

(b) In any residential zoning district, public or private parking areas and parking spaces shall not be permitted in any required yard except as follows: Public or private parking areas, service drives, parking structures or spaces which are developed or maintained in conjunction with any building or use permitted in a residential zoning district shall be permitted and shall be permitted in any interior yard that abuts an alley, provided said parking areas, drives, structures or spaces comply with the property development standards of the zoning district and the detailed parking regulations of LCC 934.260.

(c) In any commercial or industrial zoning district, public or private parking areas, drives, structures or parking spaces shall be permitted in any interior yard provided the property development standards of the zoning district

and detailed parking regulations of LCC 934.260 are met.

[Adopted 98-002 §3 eff 3/4/98; amd 04-051 §1 eff 2/18/04]

934.207 Flag-lot or flag strip

(A) A flag-lot or flag strip, fronting on a public road, shall constitute a deeded area of land not less than 30 feet wide nor more than 60 feet wide which is intended to provide private road access to an authorized unit of land in the same ownership as the strip, not otherwise having frontage on a public road. A property thus connected to a public road by a flag strip is defined as a flag-lot, and is illustrated in Figure 4 of LCC Chapter 920 (Development Code; General Provisions).

(B) The flag strips of no more than two flag-lots shall be allowed to locate adjacent to one another in any zoning district. Otherwise, at least 100 feet shall separate additional flag strips.

(C) The area within the flag strip shall not be included in the minimum area required in the applicable zoning district for the creation of a new parcel or lot, or for the computation of the size of an existing authorized unit of land.

[Adopted 98-002 §3 eff 3/4/98]

(2) A sign that flashes, revolves, rotates or moves; unless the sign advertises activities conducted on the business premises and:

(a) displays time, temperature, or weather, or

(b) is controlled by electronic process or remote control);

(3) A sign that has unshielded or glaring lights;

(4) A sign that is located on a tree, rock, or other natural feature;

(5) A sign that is on a property on which a business, commodity or service is no longer available on the premises;

(6) A sign that is portable or temporary (such as an A-frame sign) unless affixed to the premises or a merchandise display;

(7) A sign that encroaches upon or overhangs a road right-of-way;

(8) A sign that violates any state or federal law or regulation; or

(9) A sign that cannot withstand wind pressure of 20 pounds per square foot of exposed surface or is not maintained in good repair and neat, clean and attractive condition.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

C. SIGN STANDARDS

934.210 Statement of purpose

The purpose of LCC 934.210 to 934.217 shall be to establish standards for the construction, erection, maintenance, electrification, illumination, type, size, number and location of advertising signs and directional signs in order to promote traffic safety and enhance the appearance of the community.

[Adopted 98-002 §3 eff 3/4/98]

934.211 Signs; prohibitions

(A) A sign set forth in subsection (B) is prohibited, unless exempted under LCC 934.212.

(B) *Prohibited signs*

(1) A sign that interferes with or resembles traffic signs or signals or obstructs the view of traffic signs or signals or of traffic;

934.212 Signs, exempted

(A) The provisions of LCC 934.200 shall not apply to the any sign set forth in subsection (B).

(B) *Exempted signs.*

(1) Official traffic signs and signals.

(2) Directional signs erected by public authority.

(3) Warning signs erected on private property and outside vision clearance areas to warn the public of a danger on or prohibiting or limiting access to the premises.

(4) Permanent building plaques, corner stones, name plates, and similar building identifications.

(5) House and building numbers.

(6) Historical markers erected or maintained by public authority or on private property outside vision clearance areas by a recognized historical society or organization identifying sites,

buildings, or structures of recognized historical value.

(7) Signs erected by a public officer performing official duty pursuant to law, administrative order, or a court order.

(8) One sign, limited to 1½ square feet, denoting the name or occupation or both of the occupant of the building.

(9) Signs located within a building.

(10) Holiday decorations.

(11) Political signs meeting the requirements of this subsection and advertising only candidates seeking public office or promoting the passage or defeat of a measure on the ballot.

(C) For a political sign in subsection (B) to be exempted, the sign shall be:

(a) Erected and maintained entirely on private property;

(b) Erected only with consent of the property owner;

(c) Limited to an area of 32 square feet;

(d) Removed within 35 days after the election; and

(e) Not erected or maintained on trees, rocks, or other natural features.

[Adopted 98-002 §3 eff 3/4/98]

934.213 Advertising signs along a state highway

(A) Subject to LCC 934.211, signs may be allowed on properties abutting state highways in certain development zoning districts, that bring rental income to the property owner, or that advertise goods, products, or service not sold, manufactured or distributed on or from the premises or facilities upon which the sign is located.

(B) Notwithstanding the prohibition in LCC 934.211 (B) (5), a sign advertising a business, commodity or service no longer available on property abutting a state highway may be permitted on that property; however, no other free standing sign may be permitted on that property.

[Adopted 98-002 §3 eff 3/4/98]

934.214 Sign standards in an ARO mining area

Signs permitted in an ARO mining area are subject to this section.

(A) One, on-premise, principal sign for each enterprise is permitted in an ARO mining area not to exceed 1½ square feet in area for each linear foot of building frontage paralleling a road or 150 square feet, whichever is lesser. Such signs shall be placed flat against the wall of the building and may be illuminated but shall have no flashing lights or moving parts;

(B) One, unlighted, on-premise, temporary sign not to exceed 12 square feet in area pertaining to the sale or lease of a building or the property upon which it is displayed; or

(C) One on-premise or off-premise directional or regulatory sign not to exceed 16 square feet in area.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.215 Signs standards for EFU, F/F, FCM, §2 NR, RR, UGA-UGM, and UGA-RR zoning districts

Signs permitted in the EFU, F/F, FCM, §2NR, RR, UGA-UGM, and UGA-RR zoning districts are subject to this section.

(A) One sign not to exceed 1½ square feet indicating the name and occupation of the occupant of the residence.

(B) In the §2NR, RR, UGA-UGM and UGA-RR zoning districts, one sign not to exceed 32 square feet in display surface indicating the name of an enterprise, product produced or identifying uses other than a single-family residence or pertaining to the sale or lease of property. Such signs shall not be illuminated nor shall they have moving parts or flashing lights.

(C) In the EFU, F/F and FCM zoning districts, one sign not to exceed 64 square feet in display surface indicating the name of an enterprise, product produced or identifying uses other than a single family residence or pertaining to the sale or lease of property. Such signs shall not be illuminated nor shall they have moving parts or flashing lights.

(D) One sign not to exceed 16 square feet in display surface indicating the name and general

direction to an enterprise or use other than a single-family residence.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99; amd 02-313 §6 eff 8/13/02; 04-043 §3 eff 4/28/04; amd 12-315 §8 eff 12/12/12]

934.216 Signs standards for home occupations

(A) No more than two, on-site signs not to exceed 16 square feet in total sign area shall be permitted for a home occupation. Such signs shall only indicate the name of the home occupation or the product produced; no product or service not associated with the home occupation shall be displayed. Such a sign shall not be illuminated nor have moving parts or flashing lights.

(B) No more than one, off-premise directional sign, not to exceed eight square feet in area, shall be permitted. Such a sign shall only indicate the name or product produced and the general direction to the home occupation.

[Adopted 98-002 §3 eff 3/4/98]

934.217 Sign standards; area, height and number permitted

(A) Signs conforming to the standards set forth in subsection (B) shall be permitted for each use in the following commercial or industrial zoning districts:

- Agribusiness (AB),
- Freeway Interchange Commercial (FIC),
- Heavy Industrial (HI)
- Limited Industrial (LI),
- Public Services (PS),
- Rural Commercial (RCM),
- Rural Center (RCT),
- Urban Development I (UD-I),
- Urban Development II (UD-II),
- Urban Growth Area-Rural Commercial (UGA-RCM),
- Urban Growth Area-Heavy Industrial (UGA-HI),
- Urban Growth Area-Limited Industrial (UGA-LI), and
- Urban Growth Area-Agribusiness (UGA-AB).

(B) *Permitted signs.*

(1) One principal, freestanding sign, roof sign or building wall sign.

(a) Except as authorized in paragraph (2) (b) (iii) of this subsection, such a sign shall not exceed 35 feet in height, measured from the roadway grade or grade of the sign premises, whichever is higher, to the top of the sign.

(b) The sign shall not exceed:

(i) 125 square feet in sign area on properties with frontage, other than by a flag strip, on a county road or local access road; or

(ii) 250 square feet in sign area on properties with frontage on a state highway; or

(iii) 825 square feet in sign area on properties adjoining Interstate Highway 5. The height shall not exceed 65 feet.

(c) Such sign may be illuminated.

(2) The following secondary and directional signs are permitted for each enterprise:

(a) One illuminated, secondary sign attached to the building but not above the eave; and

(b) One illuminated, directional sign at each motor vehicle entrance or exit. Such signs shall not exceed six feet in height.

(3) In addition to the standards and requirements of this section, a sign along state highways is subject to Oregon State Highway Division placement standards as specified in ORS 377.750 and ORS 377.767.

(4) Except for a sign advertising the sale or lease of an authorized unit of land located on the unit of land being advertised for sale, a sign is not permitted on an undeveloped authorized unit of land.

(5) One unlighted sign per frontage onto a local access road or county road not to exceed 12 square feet in area or six feet in height pertaining to the sale or lease of a vacant building or the land upon which it is displayed.

(C) The content of a sign permitted in this section shall not conflict with LCC 934.211 (B) (5) and (8).

(D) The total area of all secondary or directional sign faces permitted for a business under paragraph (2) of subsection (B) of this section shall not exceed a total sign area of 125 square feet.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-121 §15 eff 6/30/99; amd 12-315 §8 eff 12/12/12; amd 16-070 §11 eff 4/13/16; amd 16-206 §2 eff 7/5/16; amd 19-297 §5 eff 10/8/19]

D. LANDSCAPING STANDARDS

934.220 Landscaping required

Landscaping materials shall be provided, as follows, for all uses described in LCC 934.225:

(A) All required landscaping materials shall be located in the required front yard area.

(B) A landscaping plan shall be submitted for review by the Director before building permits are issued for construction. The landscaping plan shall indicate the materials to be used, their location on the site and a schedule for planting.

(C) Development of the site shall adhere to the landscaping plan approved by the Director. Landscaping shall be planted in accordance with the schedule of planting.

(D) All uses requiring landscaping, whether presently undeveloped or partially developed, shall either provide landscaping materials in compliance with the standards in LCC 934.228 or submit to the Department an alternative based upon the native vegetation, existing landscaping or substitute plan. The Director shall determine whether the alternative complies with the purpose of this LCC 934.220 to 934.228.

[Adopted 98-002 §3 eff 3/4/98]

934.225 Uses requiring landscaping

(A) All uses allowed outright or permitted through a conditional use review in the following commercial and industrial zoning districts:

- Agribusiness (AB),
- Freeway Interchange Commercial (FIC),
- Heavy Industrial (HI)
- Limited Industrial (LI),
- Public Services (PS),
- Rural Commercial (RCM),
- Rural Center (RCT),
- Urban Development–I (UD–I),
- Urban Development–II (UD–II),
- Urban Growth Area–Rural Commercial (UGA–RCM),
- Urban Growth Area–Heavy Industrial (UGA–HI),
- Urban Growth Area–Limited Industrial (UGA–LI), and
- Urban Growth Area–Agribusiness (UGA–AB).

(B) The uses authorized in subsection (A) of this section shall provide the landscaping required in LCC 934.220 except for:

- (1) Dwellings, manufactured dwellings and associated accessory structures;
- (2) Farm uses; and

(3) Forest uses.

(C) The following uses shall provide the landscaping required in LCC 934.220 unless the Director determines that the site complies with the intent of LCC 934.220 to 934.228:

- (1) Public utility facilities;
- (2) Energy generating facilities;
- (3) Public and semi-public buildings and uses;
- (4) Small-scale commercial uses;
- (5) Infilling a manufactured dwelling park;
- (6) Kennels;
- (7) Cemeteries; and
- (8) Publicly- or privately-operated parks, including, but not limited to recreational vehicle parks, picnic areas, playgrounds, campgrounds, golf courses and community centers.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 12-315 §8 eff 12/12/12; amd 16-206 §2 eff 7/5/16; amd 19-297 §5 eff 10/8/19]

934.228 Landscaping standards

(A) A mixture of trees, shrubs and ground cover shall be provided in all landscaped areas and in the following quantities:

(1) At least one tree shall be provided for each 50 linear feet of frontage along a public road;

(2) At least five shrubs shall be provided for each 50 linear feet of frontage onto a public road; and

(3) Ground cover shall be either sodded lawn, hydromulch or seeded lawn or other living materials. The lawn or ground cover shall be planted in such a manner as to cover the landscaping area within one year.

(B) All required landscaping materials shall be not less than the following sizes:

(1) *Trees*. All trees planted to comply with the minimum landscaping standards shall be at least six feet in height;

(2) *Shrubs*. All shrubs planted to comply with the minimum landscaping standards shall be at least a five-gallon size;

(3) *Ground cover*. All ground cover species shall be evergreen perennials.

(C) The Director may approve substitutions for the landscaping material requirements to incorporate existing native and planted vegetation or other circumstances.

(D) Landscaped areas may also include decorative rock, sculpture, walkways, patios, fountains or similar features. These features shall not be used as replacements for the required trees and shrubs.

(E) Landscaping areas shall be maintained in a neat, orderly condition free of weeds and litter. Landscaping specimens shall be maintained in a healthy condition and replaced as necessary.

[Adopted 98-002 §3 eff 3/4/98]

(C) Groups of three or more parking spaces, except those in conjunction with single-family dwellings on a single authorized unit of land shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a public road other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety from traffic ingress and egress and maximum safety for pedestrians and vehicular traffic on the site. In no case shall two-way and one-way driveways be less than 30 feet and 16 feet, respectively.

[Adopted 98-002 §3 eff 3/4/98]

E. PARKING STANDARDS

934.250 Parking, off-road required

(A) Off-road parking shall be provided on the development site in all zoning districts for all uses specified under LCC 934.252, 934.253 and 934.260.

(B) All required parking must be under the same ownership as the development site served, except through special covenant agreements which bind the parking to the development site as may be approved by the hearing authority or the Director.

[Adopted 98-002 §3 eff 3/4/98]

934.251 Parking area design

(A) All public or private parking areas or garages, except those required in conjunction with a single-family dwelling on a single authorized unit of land shall be designed and constructed in accordance with the provisions of LCC 934.250 to 934.260.

(B) All public or private parking areas and parking spaces, except those required in conjunction with a single-family dwelling shall be designed and constructed to conform to the minimum standards as set forth in this LCC 934.250 to 934.260 and to the applicable property development standards of the zoning district in which such parking area is located.

934.252 Parking requirements for uses not specified

The parking space requirements for buildings and uses not set forth shall be determined by the Director and shall be based upon the requirements for the most comparable building or use specified. The decision of the Director may be appealed in the manner provided under LCC Chapter 921 (Land Development Administration Code).

[Adopted 98-002 §3 eff 3/4/98]

934.253 Parking, common facilities for mixed uses

(A) In the case of mixed uses, the total requirements for off-road parking spaces shall be the sum of the requirements for the various uses. Off-road parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

(B) *Joint use of parking facilities.* The Director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility provided that:

(1) The applicant shows that there is no substantial conflict in the operating hours of the building or use for which the joint use of parking facilities is proposed;

(2) The parking facility for which joint use is proposed is no farther than 400 feet from the building or use required to provide parking; and

(3) The parties concerned in the joint use of off-road parking facilities shall sign an agreement for such joint use, using a legal instrument approved by County Counsel as to form and content. Such instrument, when approved as conforming to the provisions of the Land Development Code, shall be recorded in the office of the County Clerk with a copy provided to the Director.

[Adopted 98-002 §3 eff 3/4/98]

934.254 Parking, paving required

All public or private parking areas which contain three or more parking spaces and outdoor vehicles sales areas shall be improved pursuant to the following minimum standards:

(A) All parking areas and sales areas shall have a durable, dust-free surfacing of asphaltic concrete, portland cement concrete or other approved materials. All parking areas and sales areas, except those in conjunction with a single-family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

(B) All parking areas and sales areas, except those required in conjunction with a single-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private or public property.

(C) All parking areas and sales areas, including service drives, except those required in conjunction with single-family dwellings which abut a §2Non-Resource (NR), Rural Residential (RR) or Rural Center (RCT) zoning district, shall be enclosed along all interior property lines which abut such district by an ornamental wood fence or masonry wall not less than four feet nor more than six feet in height.

(1) Such wood fence or masonry wall shall adhere to the visual clearance and front and interior yard requirements established for the zoning district in which it is located;

(2) If the fence, wall or hedge is not located on the property line, the area between the fence, wall or hedge and the property line shall be

landscaped with lawn or low-growing evergreen ground cover or vegetation or rock mulch;

(3) All plants in this area shall be adequately maintained by a permanent irrigation system and said fence, wall or hedge shall be maintained in good condition; and

(4) Adequate provisions shall be maintained to protect walls, fences or plants from being damaged by vehicles using the parking area.

(D) Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential zoning district or residence.

(E) All parking spaces shall be substantially marked to comply with the diagram set forth in Table 1 at the end of this Chapter.

[Adopted 98-002 §3 eff 3/4/98; 04-043 §3 eff 4/28/04]

934.255 Parking, off-road relationship to loading areas

All loading spaces for commercial and industrial buildings and uses shall be in excess of required parking spaces.

[Adopted 98-002 §3 eff 3/4/98]

934.260 Parking spaces required

The number of off-road parking spaces required shall be no less than set forth in Table 1 at the end of this Chapter.

[Adopted 98-002 §3 eff 3/4/98]

F. FARMSTAND STANDARDS

934.300 Farm stands; development standards

(A) The development standards set forth in subsection (B) shall apply to farm stands in zoning districts allowing limited farm use.

(B) *Development standards.*

(1) A farm stand shall be less than 120 square feet.

(2) A permanent farm stand shall meet building code and setback standards.

(3) A temporary farm stand, exempt from building code and setback standards, shall be removed at the conclusion of each harvest season.

(4) Temporary farm stands are not exempt from the clear vision area standards.
[Adopted 98-002 §3 eff 3/4/98]

G. PERSONAL USE AIRPORT STANDARDS

934.310 Personal use airports; development standards

(A) Personal use airports are permitted in the following zoning districts:

- Exclusive Farm Use (EFU),
- Urban Growth Area–Exclusive Farm Use (UGA–EFU–80);
- Farm/Forest (F/F),
- Urban Growth Area–Farm/Forest (UGA–F/F);
- Agribusiness (AB),
- Heavy Industrial (HI),
- Limited Industrial (LI),
- Non-resource (NR),
- Rural Residential (RR),
- Urban Growth Area–Heavy Industrial (UGA–HI),
- Urban Growth Area–Limited Industrial (UGA–LI).

(B) Personal use airports are subject to the following limitations.

(1) Only aircraft owned or controlled by the owner of the airstrip may be based on the personal use airport.

(2) Skydiving activities may be allowed as a separate use in conjunction with a personal use airport.

[Adopted 98-002 §3 eff 3/4/98; 04-043 §3 eff 4/28/04; amd 12-315 §8 eff 12/12/12]

H. MANUFACTURED DWELLING PARKS STANDARDS

934.330 Manufactured dwelling parks; development standards

(A) Any infilling of a manufactured dwelling park shall comply with the minimum development standards of the Linn County Code in addition to standards regulating manufactured dwelling parks as promulgated and administered by the Building Codes Division of the State Department of Commerce and Business Services under provisions of OAR Chapter 814.

(B) In the event that standards of the Land Development Code conflict with the standards of OAR Chapter 814, OAR Chapter 814 shall govern.

(C) All development which occurs while infilling a manufactured dwelling park shall comply with the minimum development standards set forth in LCC Chapter 934 (General Development Standards Code).

(D) The Director may approve an exception the standards set forth in this section that are not otherwise disallowed by the OAR Chapter 814 if the applicant can demonstrate that:

(1) Topographic or site characteristics limit implementation of these standards;

(2) Approval of this exception will not undermine the intent of this Development Code; and

(3) The granting of this exception will not be injurious to the public health, safety or welfare nor materially injurious to properties or improvements in the vicinity.

[Adopted 98-002 §3 eff 3/4/98]

I. OIL, GAS, GEOTHERMAL RESOURCES EXPLORATION AND EXTRACTION STANDARDS

934.340 Oil, natural gas, geothermal exploration and extraction; standards for rehabilitation and restoration of sites

(A) The mineral property owner having an approved reclamation plan by the Oregon Department of Geology and Mineral Industries shall be responsible for the eventual rehabilitation and restoration of the site as described in the plan submitted with the application.

(B) Except for buildings and structures which are permitted uses in the zone in which the site is located, all buildings, equipment, apparatus and appurtenances accessory to the exploration and extraction operation shall be removed from the site upon abandonment of the exploration or extraction operation.

(C) Upon abandonment of the exploration or extraction operation, the site shall be restored as follows:

(1) All excavations shall be back-filled with comparable soils to the original contour of the site;

(2) All fill material not used for back-filling in paragraph (1) shall be removed from the site down to the original topsoil; and

(3) The existing fill or excavation may be allowed to remain, or may be altered, if the site as contoured upon abandonment

(a) is to be utilized as a use permitted within the zoning district, and

(b) is a benefit to the development of that proposed use.

[Adopted 98-002 §3 eff 3/4/98]

J. PROTECTED MINERAL OR AGGREGATE SITE STANDARDS

934.350 Environmental quality standards

All activities within a protected mineral or aggregate site shall meet any applicable environmental quality standards of the Oregon Department of Environmental Quality, the Oregon Department of Geology and Mineral Industries, or Oregon Division of State Lands, and any other applicable standards as administered by any other governmental agency.

[Adopted 98-002 §3 eff 3/4/98]

934.351 Access standard

Each property used shall have at least a 60 foot frontage onto a public road or have an easement of access to a public road that has been approved by the Roadmaster.

[Adopted 99-156 §10 eff 6/30/99]

934.352 Setback standards

(A) For purposes of this section, “**on-site haul road**” means a private road that is constructed or used to haul aggregate to a public road.

(B) Protected mineral and aggregate sites are subject to the setback standards set forth in the following table:

SUBJECT	SETBACK	FROM:
Access to or from the property shall be developed over an existing access point or	100 feet	any existing property access point or adjoining property access point
Excavation	75 feet	any property line
storage of topsoil for later use in reclamation and all materials stored for sale	30 feet	any property line
building, locating, and operating processing equipment	30 feet	any property line
construct or use an on-site haul road	30 feet	any property boundary or public road ²
¹ The Director may approve a different setback for a flag-lot provided that the haul road on the flag-lot is a minimum of 10 feet from any property boundary.		
² The setback limitations imposed by this section shall not apply at an access point to a public road right-of-way.		

(C) No operator may haul aggregate over a route not specified in a truck haul plan approved by the Roadmaster.

(D) No operator may at any time allow excavation to undermine or threaten to undermine any property not under the control of the extraction operator.

[Adopted 99-156 §10 eff 6/30/99]

934.353 Waiver of setbacks

Notwithstanding the setback limitations imposed by LCC 934.352, the setbacks described therein do not apply to the boundary that crosses a protected mineral or aggregate site.

[Adopted 98-002 §3 eff 3/4/98]

934.354 Variance standards

(A) If a variance to the standards set forth in LCC 934.352 is approved, the additional standards set forth in this section shall be imposed on the development permit.

(B) The standards set forth in this section apply to a protected mineral or aggregate site.

(C) Where the protected mineral or aggregate site adjoins a residential, commercial or industrial zoning district and extraction is to occur within 75

feet of a property boundary adjoining such zoning district, a safety fence at least four feet in height shall be erected along the property boundary.

[Adopted 99-156 §10 eff 6/30/99]

934.356 Off-site parking

(A) All parking facilities for visitors, customers and employees shall be located within the boundary of the property under the control of the operator and adjoining the extraction and processing site.

(B) Where a boundary of a residential, commercial or industrial zoning district, or where a residential, commercial or industrial structure is within 30 feet of a property boundary, parking may occur at a minimum distance of 10 feet from the property boundary.

(C) All off-road parking shall comply with provisions of this Chapter.

[Adopted 98-002 §3 eff 3/4/98]

934.357 Hours of operation

All operations in a protected mineral or aggregate site other than office activities and machinery and equipment maintenance and repair shall be limited to operating months, days and hours specified on the development permit.

[Adopted 98-002 §3 eff 3/4/98]

934.359 Vegetative screening

(A) A vegetative screen 10 feet in width shall be planted along any adjoining public roadway or residential, commercial, industrial, or public services zoning district before extraction activities may commence.

(B) The screen shall consist of native plants and trees or plants and trees with a demonstrated ability to thrive under these site conditions. The vegetative screen shall consist of species capable of growing to a height of at least 10 feet.

(C) The screening standards along boundaries of a protected mineral or aggregate site are as set forth in the following table:

FOR A NEW OR EXPANDED ARO MINING AREA OR USE	FROM ADJACENT ZONING DISTRICT OR EXISTING LAND USE	SCREENING STANDARDS ALONG BOUNDARIES OF A PROTECTED MINERAL OR AGGREGATE SITE		
		Vegetative Screen ¹		Sight-obscuring Fence
		Height	Width	
ARO mining area	Residential, Commercial, Industrial, Public Service, or Resource Use	n/a	n/a	8 feet
	Public Roadway; Residential, Commercial, Industrial or Public Services Zoning District	10 feet	10 feet	n/a
Aggregate permit issued under LCC 921.562	Residential, Commercial, Industrial, Public Service, or Resource Use	n/a	n/a	8 feet
	Public Roadway; Residential, Commercial, Industrial, or Public Service Zoning District	10 feet	10 feet	n/a

¹A vegetative screen shall consist of native plants and trees or plants and trees with a demonstrated ability to thrive under the site conditions. A vegetative screen shall consist of species capable of growing to a height of at least 10 feet.

²Property shall have either an 8-foot-high sight-obscuring fence or a 10-foot-high vegetative screen.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-156 §10 eff 6/30/99; amd 16-206 §2 eff 7/5/16]

K. HOME OCCUPATION PERFORMANCE STANDARDS

934.360 Home occupations; performance standards

(A) All home occupations shall be conducted in a manner that complies with the standards of operation set forth in subsection (B).

(B) *Performance standards.*

(1) The home occupation will be owned and operated by a resident of the property on which the business is located. An employee may operate the business during the temporary absence of the owner of the home occupation.

(2) The home occupation shall employ, on site, no more than five full or part-time persons, including residents of the dwelling.

(3) The home occupation will be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district in which the property is located.

(4) No modification to a dwelling shall be made that would cause it to resemble anything other than a dwelling.

(5) Home occupations shall be limited to the numbers and types of vehicles for use in the operation as set forth in this paragraph. The home occupation is limited to four motor vehicles selected from subparagraph (a), two vehicles from subparagraph (b), and an unlimited number of equipment from subparagraph (c).

(a) Motorized vehicles that are designed for travel on public roads or heavy motorized vehicle equipment such as a tractor, caterpillar, or backhoe.

(b) Non-motorized vehicles that are drawn by a motorized vehicle that is designed to travel on a public road.

(c) Motorized and non-motorized equipment such as lawnmowers, concrete mixers, wheelbarrows.

(6) No more than four vehicles at any one time may be repaired, serviced, modified, assembled, or stored on-site for such purpose.

(7) The storage of equipment or parts shall be limited to those required for the maintenance, manufacture or repair of products sold, manufactured or repaired by the home occupation. Such storage shall comply with the materials storage requirements listed in LCC 934.130 (D).

(8) On-premise sales of merchandise shall be limited to goods manufactured, processed, finished or repaired by the home occupation.

(9) On-premise parking areas shall be of sufficient area to accommodate all vehicles associated with the home occupation.

(10) The operation or use of equipment or processes resulting in offense or irritation to neighboring residents shall not be permitted.

(11) Signs are subject to LCC 934.210 to 934.217.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 15-065 §1 eff 3/18/15]

L. KENNELS PERFORMANCE AND DEVELOPMENT STANDARDS

934.370 Kennels; performance standards

The following minimum standards shall apply to all kennels. Except where specifically stated otherwise, all of the following information shall be provided at the time the application for a kennel conditional use permit is submitted. The development plan shall include the following:

(A) The perimeter of the kennel building, outdoor runs and the parking area shall be completely fenced with either chain link fencing or other non-climbable fencing. All fencing shall be anchored soundly to the ground and be of sufficient height to prevent animals from escaping by digging under the fence or climbing over the fence.

(B) The kennel building shall be enclosed and insulated to maintain a temperature-controlled environment and provide a noise barrier.

(C) Adequate lighting and ventilation shall be provided in the kennel building for the health and comfort of the animals at all times.

(D) The kennel building shall have concrete floors and be equipped with a drainage system to

facilitate cleaning and an adequate method of waste disposal approved by the Environmental Health Program (EHP). A waste collection and drainage plan shall be submitted to and approved by the EHP before a kennel may operate.

(E) Kennels are not permitted to be operated in conjunction with the purchase or sale of animals.

(F) The kennel operator shall notify the Linn County Dog Control Department, the Oregon Department of Agriculture and the United States Department of Agriculture that a kennel is in operation. Proof of the notifications shall be provided to the Department.

(G) Dogs shall be kept inside the enclosed kennel building, at a minimum, between the hours of 9:00 p.m. and 7:00 a.m. Except for an emergency, the kennel shall not be open to the public between the hours of 9:00 p.m. and 7:00 a.m.

(H) A kennel may only be located on a authorized unit of land that contains a dwelling. The dwelling shall be occupied by the kennel owner, operator, manager, caretaker or other individual responsible for the kennel.

(I) Any outdoor lighting shall be directed away from neighboring residences.

(J) An access and parking plan is required to demonstrate adequate access and parking for the kennel facility. Parking requirements shall comply with the provisions of LCC 934.250 to 934.260.

(K) A kennel facility shall board no more than 100 dogs and 50 cats based on locational, operational and site characteristics. The minimum size of the authorized unit of land on which a kennel may be approved is one acre.

(L) Unless specifically requested by the animals' owner(s), no more than one dog or one cat may be permitted per individual kennel run or cage.

(M) Animal training and grooming may be permitted as accessory uses to a kennel.

[Adopted 98-002 §3 eff 3/4/98]

934.375 Kennels; property development standards

(A) The proposal is subject to the property development standards set forth in subsection (B).

(B) *Development standards.*

(1) A kennel building shall be located not less than 50 feet from a property line and the outdoor runs shall be located not less than 75 feet from a property line.

(2) A kennel building shall be located within 200 feet of the dwelling on the property for which the kennel is proposed.

[Adopted 98-002 §3 eff 3/4/98]

M. MEDICAL HARDSHIP DWELLING STANDARDS

934.380 Medical hardship dwelling; siting standards

A medical hardship dwelling may be temporarily sited when all of the following standards are met:

(A) A licensed Oregon physician has certified that a medical hardship exists and the afflicted person requires close supervision and care, or proof satisfactory to the Director that the person is 65 years of age or older.

(B) The Environmental Health Program has authorized the medical hardship dwelling to connect to the existing subsurface sewage disposal system or has authorized an alternative means of sewage disposal.

(C) The residence of the qualifying person must be sited within 200 feet of, and on the same authorized unit of land as, the residence of the care giver.

(D) The placement of the manufactured dwelling is temporary in nature and the landowner, lessee, qualifying person, and care giver shall acknowledge that the medical hardship dwelling is temporary in nature and shall agree:

(1) in the case of a manufactured dwelling,

(a) in the RDZ other than in the AB, HI, or LI zoning districts, to remove the manufac-

tured dwelling within 3 months of when the term of hardship ceases, or

(b) in any other zoning district, to remove the manufactured dwelling or to convert the dwelling to a non-residential use allowed or permitted in the zoning district within 3 months of when the term of hardship ceases; or

(2) in the case of the conversion of an existing building, to remove, demolish, or return the existing building to an allowed non-residential use within 3 months.

(E) The applicant shall place the manufactured dwelling on the property in a manner that will comply with all applicable property development standards unless an appropriate variance has been obtained.

(F) The applicant shall apply for and obtain from the Department a placement permit before locating a manufactured dwelling on any property.

(G) The applicant shall apply for and obtain from the Department any other permits required by law.

(H) The applicant shall apply for and obtain a permit authorizing the conversion of a medical hardship dwelling to a non-residential use.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99; amd 12-315 §8 eff 12/12/12]

N. SOLID WASTE PERFORMANCE AND DEVELOPMENT STANDARDS

934.390 Solid waste disposal sites; performance standards and site development

(A) The following minimum standards shall apply to the establishment, maintenance and operation of a solid waste disposal system through the conditional use procedure. The Commission may, at their discretion, provide additional conditions on operation:

(1) *Access*: Each property used shall have a minimum of 60 feet of road frontage onto a public road or easement of access to a public road, unless the Director authorizes a setback pursuant to the requirements of paragraph (4) of this subsection. The Director may approve a

different setback for a flag-lot provided that the haul road over the flag is a minimum of 10 feet from the property boundary. Any access point to or from the property shall be developed over an existing access point or at least 100 feet from any existing property access point or adjoining property access point. All access to the site shall be by a route or routes approved by the county engineer and the Commission.

(2) *Buffering and screening*: The site shall be screened from adjoining developed properties, public right-of-ways, and navigable streams by leaving natural vegetation, the planting of a hedge or other landscaping, a fence, wall, landscaped berm or some combination of the above. This screening, whether on the same or other property, shall continuously obscure the view of the site. The landowner or franchise holder shall be responsible for the maintenance of this screening. A buffer area to provide for the mitigation of environmental and visual impacts may be established in addition to or in lieu of any screening if required by DEQ.

(3) *Excavation*:

(a) Excavation is not allowed under any circumstances if the excavation undermines or threatens to undermine the property of another.

(b) Excavation may only occur 75 feet or more from any public road right-of-way.

(c) Excavation may only occur 75 feet or more from a property boundary, other than a public road right-of-way, unless the Director authorizes a setback pursuant to the requirements of sub-subparagraph (I) or (ii).

(i) A setback of not less than 30 feet from the property boundary may be granted after approval from DEQ where the site property boundary adjoins a zoning district boundary or a property on which a structure is located, when such zoning district or structure is residential, commercial or industrial; or

(ii) 10 feet from the property boundary may be granted after approval from DEQ where the a property boundary does not adjoin a zoning district boundary or a property on which a structure is located, when such zoning

district or structure is residential, commercial or industrial.

(4) *Non-excavation setbacks:*

(a) Solid waste disposal and resource-recovery activities, other than excavation, may only take place 30 feet or more from any public road right-of-way.

(b) Solid waste disposal and resource-recovery activities, other than excavation, may only take place 30 feet or more from any property boundary, unless the Director authorizes a setback less than 30 feet. The Director may authorize a setback not less than 10 feet from the property boundary if

(i) the property boundary does not adjoin a zoning district boundary or a property on which a structure is located, when such zoning district or structure is residential, commercial or industrial, and

(ii) DEQ approves the setback.

(5) *Public safety:* A safety fence not less than 6 feet in height shall be erected at the property boundary, if

(a) the property boundary adjoins a zoning district boundary or a property on which a structure is located, when such zoning district or structure is residential, commercial or industrial, and

(b) the solid waste disposal operations are conducted less than 75 feet, but not less than 30 feet if authorized by the Director under an excavation setback or non-excavation setback and 75 feet of the property boundary on which it is located.

(c) and where the solid waste disposal operations are conducted between 30 and 75 feet of the property boundary on which it is located, authorized by paragraphs (3 or (4) or this subsection,

(6) *Off-road parking:* All parking facilities for visitors, customers and employees shall be located within the boundary of the property under the control of the operator and adjoining the solid waste disposal site. Where a property boundary adjoins a boundary of a residential, commercial or industrial zoning district, or a property on which

there is a residential, commercial or industrial structure, is within 30 feet of a property boundary, parking may occur to a minimum distance of 10 feet from the property boundary.

(7) *Environmental quality:* All activities permitted shall meet the applicable environmental quality standards of the DEQ and the EPA.

(8) *Hours of operation:* All operations, other than office activities and machinery and equipment maintenance and repair, shall be limited to hours and days specified by the Commission.

(B) The requirements of paragraphs (2) and (5) of subsection (A) may be satisfied by a safety fence or visual screen that meets the requirements of both paragraphs.

[Adopted 98-002 §3 eff 3/4/98]

O. STAGING PERFORMANCE AND DEVELOPMENT STANDARDS

934.400 Staging; performance development standards

(A) The minimum standards set forth in subsection (B) shall apply to the temporary development of staging areas in conjunction with road maintenance and improvement projects for county, state and federal highways. The Commission may, at their discretion, provide additional conditions on operation.

(B) *Site development and performance standards.*

(1) The operation of a staging area shall be a temporary use limited to 12 months duration. Extensions for a total period of time not exceeding 24 months may be granted by the Director provided that no single extension may be granted for more than 12 months.

(2) All activities shall meet applicable environmental quality standards of the Oregon Department of Environmental Quality (DEQ) which regulates impacts from noise, dust, smoke or other such negative impacts.

(3) The Commission shall establish minimum operational standards for the following:

- (a) Types and quantity of equipment;
- (b) Hours and days of operation;
- and
- (c) Other conditions necessary to conform to the decision criteria in LCC 933.200 and 933.220 or 933.250 to 933.260.

(4) Setbacks for materials storage. Materials may be stored to a minimum distance of 10 feet from any property boundary except where a residential, commercial or industrial zoning district or structure is within 30 feet of a property boundary. In any of those cases, the materials storage setback shall be 30 feet from that property boundary.

(5) Setbacks for on-site haul roads. On-site haul roads may occur to a minimum distance of 30 feet from any property boundary or public road right-of-way. A variance to the property setback requirements may be granted in the following circumstance: Where no residential, commercial or industrial zoning district or structure is within 30 feet of the property boundary; on-site haul roads may occur to a minimum distance of 10 feet from that property boundary.

The on-site haul road setback requirement shall not apply at an access point to a public road right-of-way.

(6) Setbacks for processing equipment and operations. All equipment for processing operations may be built, located and operated to a minimum distance of 30 feet from any public road right-of-way or property boundary. A variance to the property boundary setback requirements may be granted in the following circumstance: Where no residential, commercial or industrial zoning district or structure is within 30 feet of the property boundary, processing equipment and operations may be located to a minimum distance of 10 feet from that property boundary.

[Adopted 98-002 §3 eff 3/4/98]

934.410 Staging; standards for rehabilitation and restoration

(A) The landowner shall be responsible for the eventual rehabilitation and restoration of the

site as described in the plan submitted with the permit application. Failure of the property owner to restore or rehabilitate the site shall result in forfeiture of the security required under LCC 934.420.

(B) Except for buildings or structures which are permitted uses in the zone in which the site is located, all buildings, equipment, apparatus and appurtenances accessory to the exploration and extraction operation shall be removed from the site upon termination of the staging area development.

(C) Upon termination of the staging area development, the site shall be restored as follows:

(1) All excavations shall be back filled with comparable soils to the original contour of the site;

(2) All fill material shall be removed from the site down to the original topsoil; and

(3) The existing fill or excavation may be allowed to remain or may be altered if such site is intended to be utilized as a use permitted with the zoning district.

[Adopted 98-002 §3 eff 3/4/98]

934.420 Staging; performance security

The landowner shall be responsible for obtaining a performance security in compliance with LCC 933.110.

[Adopted 98-002 §3 eff 3/4/98]

P. HISTORIC PROPERTY STANDARDS

934.430 Historic property alteration review standards

(A) The standards set forth in subsection (B) shall apply to the alteration of historic property.

(B) *Alteration review standards.*

(1) The distinguishing original qualities or characteristics of a building, property or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(2) All buildings, properties and sites shall be recognized as products of their own time.

Alterations that have no historical basis or that seek to create a different style shall be discouraged.

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

(4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, property or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or properties.

(6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and characteristics of the property, neighborhood or environment.

(8) Wherever possible, new additions or alterations to properties shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the property would be unimpaired.

[Adopted 98-002 §3 eff 3/4/98]

Q. PARKS

934.440 Development standards for state parks

(A) *Generally*. For a park, the standards applicable to or imposed on the approved development.

(B) *State parks*. State parks are subject to OAR 660-034-0000 to 66-034-0035 and any standards set forth therein.

[Adopted 99-121 §15 eff 6/30/99]

934.441 Development standards for local public parks

(A) *Generally*. For a local public park, the standards applicable to or imposed on the approved development

(B) *Local public parks*. Local public parks are subject to OAR 660-034-0040 and to any standards adopted pursuant to that rule.

[Adopted 99-121 §15 eff 6/30/99]

934.442 Development standards for parks

(A) *Generally*. For a private park, the standards applicable to or imposed on the approved development.

(B) For a campground in a park, the campground shall additionally comply with the following standards:

(1) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(2) A campground shall be designed and operated in a manner that:

(a) Individual campsites shall not be occupied by more than eight persons;

(b) No person shall stay in a campground for a period of more than 14 days within any 30 day period and not to exceed a total of 30 days during any consecutive six-month period;

(c) A campground shall not be used for permanent or long term habitation;

(d) No person shall camp overnight except in areas specifically designed and designated as campsites;

(e) No person under the age of 18 shall camp overnight unless accompanied and under the control at all times by an adult; and

(f) No person shall be allowed to discharge, set off, explode, or burn any firework; firearm; air, Co2, or spring-actuated rifle or pistol; slingshot, arrow or other similar device designed or used to propel a projectile, in or over the campground.

[Adopted 99-121 §15 eff 6/30/99; amd 02-313 §6 eff 8/13/02; amd 14-070 §10 eff 4/13/16]

III. SPECIFIC ZONING DISTRICT STANDARDS

A. RURAL RESOURCE ZONE STANDARDS

934.500 RRZ development standards; generally

(A) In an EFU, F/F, or FCM zoning district. Except for development which is exempted through the provisions of LCC Chapter 936 (Non-conforming Uses and Pre-existing Uses Code) and properties exempted by LCC 924.500 to 924.800, the standards set forth in LCC 934.500 to 934.590 applies to the development and creation of all properties in an EFU, F/F, or FCM zoning district.

(B) In an EFU zoning district. A new lot or parcel of less than 80 acres created in an EFU zoning district under LCC 924.500 to 924.800 is exempt from the standards required by LCC 934.510.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99]

934.510 RRZ area, width and depth development standards

(A) *Minimum property size.* Except as provided by LCC 924.500 to 924.800, the minimum parcel size in an EFU, F/F, or FCM zoning district is set forth in subsection (C).

(B) *Minimum property widths and depths.* The minimum property widths and depths in an EFU, F/F, or FCM zoning district are set forth in subsection (C).

(C) The minimum property sizes, widths, and depths are:

Zoning District	Minimums		
	Size	Width	Depth
EFU	80 acres	800 feet	800 feet
F/F	80 acres	800 feet	800 feet
FCM	80 acres	800 feet	800 feet

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.520 RRZ frontage standards

(A) All new lots or parcels in the EFU, F/F, and FCM zoning districts shall have access to a public road.

(B) If a property in an EFU, F/F, and FCM zoning district has frontage on a public road, that frontage shall be at least 30 feet in width.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99]

934.525 RRZ property coverage standards

In the EFU, F/F, and FCM zoning districts, the maximum coverage for the principle building and all accessory buildings and structures shall not exceed 20 percent of the total property area.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.530 RRZ structural setbacks

(A) The minimum structural and dwelling setbacks are:

Zoning district	Minimum structural set back in feet from		
		Protected Minimal or Aggregate Site*	FCM zoning district
EFU		100	200
F/F		100	200
FCM		100	n/a

*Applies to a residential dwelling in an EFU, F/F, and FCM zoning district

(B) The minimum yard setbacks for all structures are:

Zoning district	Minimum set back in feet from

	Front yard	Side yard	Rear yard
EFU	30 or 60*	50	50
F/F	30 or 60*	50	50
FCM	30 or 60*	100	100

*30 feet from the front line, or 60 feet from the center of the road, whichever is greater.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99; amd 12-315 §8 eff 12/12/12]

934.535 RRZ riparian habitat setback

The minimum setbacks from a riparian habitat are:

Zoning district	Minimum riparian habitat set back in feet from*		
	Structures	New road	Protected Mineral or Aggregate Site
EFU	50	50	50
F/F	50	50	50
FCM	50	50	50

*(1) from the top of a bank of a sensitive riparian habitat as described in the *Comprehensive Plan* and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions), or
 (2) from the top of a bank, or as otherwise shown for a lake or wetland identified in the *Comprehensive Plan* and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions).
 The setback does not apply to water-dependent uses.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.540 RRZ maximum heights

(A) For properties within the RRZ not having an Airport Overlay, there is no maximum height limitation.

(B) For properties within the RRZ having an Airport Overlay, the maximum height limitations are subject to LCC 931.030.

Zoning District	Maximum height limitation in feet	
	With an Airport Overlay	Without an Airport Overlay
EFU	LCC 931.030	none
F/F	LCC 931.030	none
FCM	LCC 931.030	none

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.545 RRZ landscaping standards

In the EFU, F/F, and FCM zoning districts, landscaping shall be provided for uses set forth in LCC 934.100 to 934.260 in accordance with LCC 934.500 to 934.590.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.550 RRZ sign standards

(A) In the EFU, F/F, and FCM zoning districts, signs are subject to the development standards in LCC 934.215.

(B) In an ARO mining area, signs are subject to the development standards in LCC 934.214.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.555 RRZ off-road parking standards

(A) In the EFU, F/F, and FCM zoning districts, the minimum standards for off-road parking shall comply with LCC 934.250 to 934.260.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99]

934.560 RRZ screening standards

(A) The minimum screening standards set forth in this section apply to a new residential use on RRZ property adjoining an existing aggregate site.

(B) New residential development on properties adjoining an aggregate site shall incorporate a sight-obscuring vegetative screen or a sight-obscuring fence along the property line adjoining the aggregate site meeting the standards set forth in the table in subsection (E).

(C) The screening standards along boundaries of an aggregate site are as follows:

SCREENING STANDARDS ALONG BOUNDARIES OF AN AGGREGATE SITE				
New Use	Adjacent Land Use	Vegetative Screen ¹		Sight-obscuring Fence
		Height	Width	
Residential	Protected Mineral or Aggregate Site	10 feet ²	n/a	6 feet ²
¹ A vegetative screen shall consist of native plants and trees or plants and trees with a demonstrated ability to thrive under the site conditions. A vegetative screen shall consist of species capable of growing to a height of at least 10 feet.				
² Property shall have either a 10-foot-high vegetative screen or a 6-foot-high sight-obscuring fence.				

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-156 §10 eff 6/30/99]

934.565 RRZ big game habitat density standards

In the EFU, F/F, and FCM the big game habitat density standards are:

Habitat Clustering	Major habitat	Peripheral habitat
with clustering	16 units/section	32 units/section
without clustering	8 units/section	16 units/section

[Adopted 98-002 §3 eff 3/4/98]

934.570 RRZ access standards

In an EFU, F/F, or FCM zoning district, access shall be designed to cause a minimum interference with traffic and shall be subject to the review and approval of the County Engineer. Upon recommendation of the County Engineer or state highway department, the dedication of additional right-of-way and improvements constructed by the applicant may be required in order to facilitate adequate traffic circulation.

[Adopted 98-002 §3 eff 3/4/98]

934.590 F/F (forest area) and FCM zoning district structural siting standards

(A) The siting standards set forth in subsection (B) of this section, or their equivalent shall apply to all new dwellings and structures in the forest area of the F/F or in the FCM zoning districts. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-06-035 to identify the building site.

(B) *Siting standards.*

(1) Dwellings and structures shall be sited on the property so that:

- (a) They have the least impact on nearby or adjoining forest or agricultural lands;
- (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

(d) The risks associated with wild-fire are minimized.

(2) Siting criteria satisfying section (1) of this rule may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined by the State Board of Forestry in the Forest Practices rules (OAR Chapter 629). For purposes of this section, evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

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

(5) Approval of a dwelling on a property containing more than 10 acres approved under LCC 933.720 to 933.750 shall be subject to the following requirements:

(a) Approval of a structure requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(b) The Director shall notify the County Assessor of the condition described in subparagraph (a) of this paragraph at the time the dwelling is approved;

(c) The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(d) Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(6) A structure or dwelling in the forest area of an F/F zoning district shall be located on an authorized unit of land within a fire protection district or shall be provided with structural fire protection by contract.

(a) If the structure or dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.

(b) If the Director determines that inclusion within a fire protection district or contracting for structural fire protection is impracticable, the Director may provide an alternative means for protecting the structure from fire hazards.

(I) The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. (See also the applicable, current sections of the [ORSC, Oregon Residential Specialty Code,] *National Fire Protection Association standards* and the *Oregon Fire Code* as adopted by the State of Oregon).

(II) If a water supply is required, it shall be a swimming pool, pond, stream, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second.

(III) The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.

(IV) Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(7) Road access to the structure shall meet the road design standards described in LCC 934.670 and 935.200.

(8) The owner provides and maintains a 30-foot wide primary fuel-free break around structures and a 100-foot wide secondary fuel break around the primary fuel break (see *Recommended Fire Siting Standards for Dwellings and Structures*, ODOF, 1991). The fuel-free fire breaks required by this paragraph are required only around a dwelling on land surrounding the dwelling that is owned or controlled by the dwelling owner.

(9) The dwelling has a fire-retarding roof.

(10) The dwelling will not be sited on a slope of greater than 40 percent.

(11) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-121 §15 eff 6/30/99; amd 12-315 §8 eff 12/12/12]

934.595 Development standards for youth camps

(A) A youth camp may be established in compliance with the provisions of these standards. The purpose of these standards is to provide for the establishment of a youth camp that is generally self-contained and located on an authorized unit of land that is suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.

(B) These standards shall not apply to youth camps established prior to August 21, 2002.

(C) A “youth camp” is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

(D) An application for a proposed youth camp shall comply with the following:

(1) The number of overnight camp participants that may be accommodated shall be determined by the hearing authority, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (2) of this subsection, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.

(2) The hearing authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph (1) of this subsection.

(3) Overnight stays for adult programs primarily for individuals over twenty-one (21) years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

(4) A campground as described in LCC 928.631(B)(1) shall not be established in conjunction with a youth camp.

(5) A youth camp shall not be allowed in conjunction with an existing golf course.

(6) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

(E) The youth camp shall be located on an authorized unit of land that is:

(1) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on an authorized unit of land of at least 40 acres.

(2) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the hearing authority sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(a) The proposed setback will prevent conflicts with commercial resource management practices;

(b) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(c) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(3) Suitable to provide for the establishment of on-site sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f).

(4) Predominantly forestland if within the Farm/Forest (F/F) zone.

(F) A youth camp may provide for the following facilities:

(1) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.

(2) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the hearing authority may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.

(3) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.

(4) Up to three camp activity buildings, not including primary cooking and eating facilities.

(5) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's

dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.

(6) Covered areas that are not fully enclosed.

(7) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

(8) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

(9) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(G) A proposed youth camp shall comply with the following fire safety requirements:

(1) The fire siting standards in LCC 934.590 (B) (6) to (11);

(2) A fire safety protection plan shall be developed for each youth camp that includes the following;

(a) Fire prevention measures;

(b) On site pre-suppression and suppression measures; and

(c) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(3) Except as determined under paragraph (4) of this subsection, a youth camp's on-site fire suppression capability shall at least include:

(a) A 1,000-gallon mobile water supply that can access all areas of the camp;

(b) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(c) A sufficient number of fire fighting hand tools; and

(d) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(4) An equivalent level of fire suppression facilities may be determined by the hearing authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider.

(5) The provisions of paragraph (4) of this subsection may be waived by the hearing authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the hearing authority in writing that on-site fire suppression at the camp is not needed.

(H) The hearing authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(I) Nothing in these standards relieves the hearing authority from complying with other requirements contained in the *Comprehensive Plan* or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) which exist on forest lands.

[Adopted 02-313 §6 eff 8/21/02; 16-070 §11 eff 4/13/16]

B. RURAL DEVELOPMENT ZONE STANDARDS

934.610 RDZ property size, width, and depth standards

(A) The property size, width and depth standards in this subsection shall regulate development of all properties in an AB, FIC, HI, LI, RCM, UD-I, and UD-II zoning district.

Minimum property size, width, and depth standards		
Parameter	FIC, RCM	AB, HI, LI, PS, UD-I, UD-II
Size	½ acre	1 acres
Width	100	100 feet
Depth	100 feet	100 feet
Width (adjoining an FCM zoning district)	500 feet	500 feet
Depth (adjoining an FCM zoning district)	500 feet	500 feet

(B) The following size, width and depth standards shall regulate the development of all properties in the RCT zoning district.

Minimum property size, width, and depth standards			
Parameter	RCT-1	RCT-2½	RCT-5
Size	1 acre	2½ acres	5 acres
Width	130 feet	200 feet	290 feet
Depth	130 feet	200 feet	290 feet
Width (adjoining an FCM zoning district)	500 feet	500 feet	500 feet
Depth (adjoining an FCM zoning district)	500 feet	500 feet	500 feet

(C) The following size, width and depth standards shall regulate development of all properties in the RR zoning district.

Minimum property size, width, and depth standards				
Parameter	RR-10	RR-5	RR-2½	RR-1
Size	10 acres	5 acres	2½ acres	1 acre
Width	400 feet	290 feet	200 feet	130 feet

Depth	400 feet	290 feet	200 feet	130 feet
Width (adjoining an FCM zoning district)	500 feet	500 feet	500 feet	500 feet
Depth (adjoining an FCM zoning district)	500 feet	500 feet	500 feet	500 feet

§2 (D) The following size, width, and depth standards shall regulate development of all properties in the NR zoning district.

Minimum property size, width, and depth standards		
Parameter	NR-5	NR-10
Size	5 acres	10 acres
Width	290	400 feet
Depth	290 feet	400 feet
Width (adjoining an FCM zoning district)	500 feet	500 feet
Depth (adjoining an FCM zoning district)	500 feet	500 feet

[Adopted 98-002 §3 eff 3/4/98; 04-043 §3 eff 4/28/04; 16-070 §11 eff 4/13/16; and 16-206 §2 eff 7/5/16]

934.620 RDZ access standards

(A) All new lots or parcels in the Rural Development Zone shall have access to a public road.

(B) All new lots or parcels in an AB, FIC, HI, LI, PS, RCM, UD-I, or UD-II zoning district shall have frontage onto a public road.

(C) The frontage required by subsection (B) shall be at least 100 feet in an AB, FIC, HI, LI, RCM, UD-I, or UD-II zoning district.

(D) If a property in an RCT, RR, or NR zoning district has frontage on a public road, that frontage shall be at least 30 feet in width.

(E) The access required by subsection (A) of this section shall be at least 30 feet in width.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99; 04-043 §3 eff 4/28/04; and 16-206 §2 eff 7/5/16]

934.625 RDZ property coverage standards

In the RDZ, the maximum coverage for the principle building and all accessory buildings and structures shall not exceed:

(A) 30 percent of the total property area an AB, FIC, HI, LI, PS, RCM, RCT, UD–I, or UD–II zoning district; or

(B) 20 percent of the total property area in an §2NR or RR zoning district.

[Adopted 98-002 §3 eff 3/4/98; 04-043 §3 eff 4/28/04; amd 16-206 §2 eff 7/5/16]

934.630 RDZ structural setbacks

(A) The minimum structural and dwelling setbacks are:

Zoning district	Minimum structural and building setbacks in feet	
	Protected Mineral or Aggregate Site ¹	FCM zoning district
AB	30 ³	300 ²
FIC	30 ³	300 ²
HI	30 ³	300 ²
LI	30 ³	300 ²
PS	30 ³	300 ²
NR	30 ³	300 ²
RCM	30 ³	300 ²
RCT	30 ³	300 ²
RR	30 ³	300 ²
UD–I	30 ³	300 ²
UD–II	30 ³	300 ²

¹ Applies to a residential dwelling in an zoning district
Applies to a residential structure in an AB, zoning district

² From land in the Forest Conservation and Management (FCM) zoning district whenever the property's width or depth dimension from the FCM zoning district is at least 500 feet. Residential structures on properties not having 500 feet in the affected dimension shall be set back at least 100 feet from land in the FCM zoning district.

³ From the property line adjoining the site.

(B) The minimum yard setbacks for all structures are:

Zoning district	Minimum set back in feet		
	Front yard	Side yard	Rear yard
AB	30 or 60 ¹	10 ²	10 ²
FIC	30 or 60 ¹	10	10
HI	30 or 60 ¹	10 ²	10 ²
LI	30 or 60 ¹	10 ²	10 ²

PS	30 or 60 ¹	10 ²	10 ²
NR	30 or 60 ¹	10 ²	10 ²
RCM	30 or 60 ¹	10	10
RCT	30 or 60 ¹	10	10
RR	30 or 60 ¹	10	10
UD–I	30 or 60 ¹	10 ²	10 ²
UD–II	30 or 60 ¹	10 ²	10 ²

¹ 30 feet from the front line, or 60 feet from the center of the road, whichever is greater.

² If an authorized unit of land abuts a residential zoning district or is within 100 feet of an existing residence, the setback shall be a minimum of 30 feet.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99; 04-043 §3 eff 4/28/04; 16-070 §11 eff 4/13/16; amd 16-206 §2 eff 7/5/16]

934.635 RDZ riparian habitat setback

The minimum setbacks from a riparian habitat are:

Zoning district	Minimum riparian habitat setback for structures in feet from
AB	50 ²
FIC	50 ²
HI	50 ²
LI	50 ²
PS	50 ²
NR	50 ²
RCM	50 ²
RCT	50 ²
RR	50 ²
UD–I	50 ²
UD–II	50 ²

¹ (1) from the top of a bank of a sensitive riparian habitat as described in the *Comprehensive Plan* and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions), or
(2) from the top of a bank, or as otherwise shown for a lake or wetland identified in the *Comprehensive Plan* and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions).
The setback does not apply to water-dependent uses.

[Adopted 98-002 §3 eff 3/4/98; 04-043 §3 eff 4/28/04; 16-070 §11 eff 4/13/16; amd 16-206 §2 eff 7/5/16]

934.640 RDZ maximum heights

(A) For properties within an AB, FIC, HI, LI, §2NR, RCM, RCT, RR, UD–I, or UD–II zoning

district, the maximum height limitations are subject to the following table.

Zoning District	Maximum height limitation in feet	
	With an Airport Overlay	Without an Airport Overlay
AB	LCC 934.810	none
FIC	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
HI	LCC 934.810	none
LI	LCC 934.810	none
PS	LCC 934.81	none
NR	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
RCM	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
RCT	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
RR	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
UD-I	LCC 934.810	none
UD-II	LCC 934.810	none

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 04-043 §3 eff 4/28/04; amd 16-206 §2 eff 7/5/16]

934.645 RDZ landscaping standards

In an AB, FIC, HI, LI, PS, RCM, RCT, UD-I, or UD-II zoning district, landscaping shall be provided for uses set forth in LCC 934.220 to 934.228.

[Adopted 98-002 §3 eff 3/4/98; amd 16-206 §2 eff 7/5/16]

934.650 RDZ sign standards

(A) In the AB, FIC, HI, LI, PS, RCM, RCT, UD-I, or UD-II zoning districts, advertising signs and directional signs shall only be developed as provided in LCC 934.217.

(B) In an NR or RR zoning district, signs are subject to the development standards in LCC 934.215.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §15 eff 6/30/99; 04-043 §3 eff 4/28/04; amd 16-206 §2 eff 7/5/16]

934.652 RDZ artificial lighting standards

In the RDZ, artificial lighting, including illuminated signs and parking area lights, shall be so arranged as not to produce glare on adjacent properties.

[Adopted 98-002 §3 eff 3/4/98]

934.655 RDZ off-road parking standards

In an AB, FIC, HI, LI, PS, NR, RCM, RCT, RR, UD-I, or UD-II zoning district, the minimum standards shall comply with LCC 934.250 to 934.260.

[Adopted 98-002 §3 eff 3/4/98; 04-043 §3 eff 4/28/04; amd 16-206 §2 eff 7/5/16]

934.660 RDZ screening and material storage standards

(A) In an AB, RCT, UD-I, or UD-II zoning district, site screening and outdoor material storage, when permitted, shall comply with LCC 934.130.

(B) In an HI, LI, PS, RCM, RCT, UD-I, or UD-II zoning district, site screening and outdoor material storage, when permitted in LCC 929.220 (B) (1) or (2) shall comply with LCC 934.130.

(C) In an AB, FIC, HI, LI, RCM, RCT, UD-I, or UD-II zoning district, new residential development on properties adjoining a protected mineral or aggregate site shall incorporate a sight-obscuring, vegetative screen or a sight-obscuring fence along each side or rear property line adjoining the aggregate site.

Zoning district	Screening standards ¹ for property adjoining			
	A public roadway or residential, commercial or industrial zoning district. The property shall have either		A Protected Mineral or Aggregate Site. The property shall have either	
	A vegetative screen	A sight-obscuring fence	A vegetative screen	A sight-obscuring fence
AB	n/a	n/a	10 foot high ²	6 foot high ²
FIC	n/a	n/a	10 foot high ²	6 foot high ²
HI	n/a	n/a	10 foot high ²	6 foot high ²
LI	n/a	n/a	10 foot high ³	6 foot high ²
NR	n/a	n/a	10 foot high ²	6 foot high ²

PS	n/a	n/a	10 foot high ²	6 foot high ²
RCM	n/a	n/a	10 foot high ²	6 foot high ²
RCT	n/a	n/a	10 foot high ²	6 foot high ²
RR	n/a	n/a	10 foot high ²	6 foot high ²
UD-I	n/a	n/a	10 foot high ²	6 foot high ²
UD-II	n/a	n/a	10 foot high ²	6 foot high ²

¹A vegetative screen shall consist of native plants and trees or plants and trees with a demonstrated ability to thrive under the site conditions. A vegetative screen shall consist of species capable of growing to a height of at least 10 feet.

² along the property line adjoining the aggregate site

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-156 §10 eff 6/30/99; 04-043 §3 eff 4/28/04; amd 16-206 §2 eff 7/5/16]

934.670 RDZ access standards

In the RDZ, access shall be designed to cause a minimum interference with traffic and shall be subject to the review and approval of the County Engineer. Upon recommendation of the County Engineer or state highway department, the dedication of additional right-of-way and improvements constructed by the applicant may be required in order to facilitate adequate traffic circulation.

[Adopted 98-002 §3 eff 3/4/98]

934.675 RDZ building expansion standards

Buildings lawfully existing as of the establishment of an FIC, RCM zoning district which are:

- (1) 2,500 square feet or less in size, may expand up to 3,750 square feet, and
- (2) larger than 2,500 square feet in size may expand up to 50 percent of the existing floor area.

[Adopted 98-002 §3 eff 3/4/98]

934.680 RDZ approved septic system standards

In the RDZ, an approved septic system shall be provided on-site.

[Adopted 98-002 §3 eff 3/4/98]

934.685 RCT density standards

(A) The minimum parcel or lot size standards established in LCC 929.550 are for areas designated Rural Center on the *Comprehensive Plan* map.

(B) The RCT-1 zoning district may only be applied upon approval of a Statewide Planning Goal 14 (Urbanization) exception.

(C) A zone amendment and exception to Goal 14 is required before a RCT-5 acre designation is changed to a RCT-2½ acre designation.

(D) The RCT zoning districts established in LCC 929.550 have been applied to the rural centers in accordance with the *Comprehensive Plan*.

Rural Center Minimum Property Size Standards	
Rural Center	Minimum Size
Cascadia	5 acres
Crabtree	1 acre
Crawfordsville	2½ acres
Holley	2.5 acres
Lacomb	2.5 acres
Peoria	1 acre
Shedd	1 acre
West Scio	2.5 acres

[Adopted 98-002 §3 eff 3/4/98]

934.680 RR density standards

(A) The minimum lot or parcel size standards established in LCC 929.650 are for areas designated Rural Residential on the *Comprehensive Plan* map.

(B) The RR-1 zone may only be applied upon approval of a Statewide Planning Goal 14 (Urbanization) exception.

(C) The RR-1 and RR-2½ zones may be applied in identified urban influence areas (see “Exception Statement” of the *Comprehensive Plan*) upon approval of a Goal 14 exception.

[Adopted 98-002 §3 eff 3/4/98]

C. URBAN GROWTH AREA ZONE STANDARDS

934.710 UGAZ property size, width, and depth development standards

(A) The size, width, or depth standards in a zoning district in the UGAZ shall comply with the standards set forth in the respective zoning district.

(B) The size, width, and depth standards set forth in this subsection apply to the creation of new lots or parcels in the UGA–HI, UGA–LI, and UGA–AB zoning districts.

Minimum	UGA–HI, UGA–LI, UGA–AB
Size	1 acre
Width	100 feet
Depth	100 feet
Width (adjoining an FCM zoning district)	500 feet
Depth (adjoining an FCM zoning district)	500 feet

(C) The size, width, and depth standards set forth in this subsection apply to the creation of new lots or parcels in the UGA–RR zoning districts.

Minimum	UGA–RR–5	UGA–RR–2½	UGA–RR–1
Size	5 acres	2½ acres	1 acre
Width	290 feet	200 feet	130 feet
Depth	290 feet	200 feet	130 feet
Width (adjoining FCM zoning district)	500 feet	500 feet	500 feet
Depth (adjoining FCM zoning district)	500 feet	500 feet	500 feet

(D) The size, width, and depth standards set forth in this subsection apply to the creation of new lots or parcels in the UGA–UGM zoning districts.

Minimum	UGA–UGM–20	UGA–UGM–10	UGA–UGM–5	UGA–UGM–2½
Size	20 acres	10 acres	5 acres	2½ acres
Width	500 feet	300 feet	290 feet	200 feet
Depth	500 feet	300 feet	290 feet	200 feet

Width (adjoining FCM zoning district)	500 feet	500 feet	500 feet	500 feet
Depth (adjoining FCM zoning district)	500 feet	500 feet	500 feet	500 feet

[Adopted 98-002 §3 eff 3/4/98; amd 19-297 §5 eff 10/8/19]

934.720 UGAZ property frontage standards

(A) The frontage standards in a zoning district in the UGAZ shall comply with the standards set forth in the respective zoning district.

(B) All new lots or parcels in the UGA–RR shall have frontage onto a public road.

(C) The frontage required by subsection (B) shall be at least 30 feet in a UGA–RR zoning district.

[Adopted 98-002 §3 eff 3/4/98]

934.725 UGAZ property coverage standards

The maximum coverage for the principle building and all accessory buildings and structures shall not exceed:

(A) 30 percent of the total property area in a UGA–HI, UGA–LI, or UGA–AB zoning district; or

(B) 20 percent of the total property area in a UGA–RR or UGA–UGM zoning district.

(C) Development of property in the UGA–F/F or UGA–RCM zoning districts shall comply with the standards set forth in the respective zoning district.

[Adopted 98-002 §3 eff 3/4/98; amd 19-297 §5 eff 10/8/19]

934.730 UGAZ structural standards

(A) Development of property in the UGA–EFU–80, UGA–F/F, UGA–HI, UGA–LI, UGA–AB, UGA–RCM, or UGA–UGM zoning districts shall comply with the standards set forth in the respective zoning district.

(B) The minimum yard setbacks for all structures in a UGAZ are:

Zoning district	Minimum set back in feet		
	Front yard	Side yard	Rear yard

UGA-EFU-80	30 or 60 ¹	50	50
UGA-F/F	30 or 60 ¹	50	50
UGA-HI	30 or 60 ¹	10 ²	10 ²
UGA-LI	30 or 60 ¹	10 ²	10 ²
UGA-AB	30 or 60 ¹	10 ²	10 ²
UGA-RCM	30 or 60 ¹	10	10
UGA-RR	30 or 60 ¹	10	10
UGA-UGM	30 or 60 ¹	10	10
¹ 30 feet from the front line, or 60 feet from the center of the road, whichever is greater.			
² If an authorized unit of land abuts a residential zoning district or is within 100 feet of an existing residence, the setback shall be a minimum of 30 feet.			

(C) The minimum structural and dwelling setbacks are:

Zoning district	Minimum structural and building setbacks in feet	
	Protected Mineral or Aggregate Site ¹	FCM zoning district
UGA-EFU-80	100	200 ²
UGA-F/F	100	200 ²
UGA-HI	30	300 ²
UGA-LI	30	300 ²
UGA-AB	30	300 ²
UGA-RCM	30	300 ²
UGA-RR	30	300 ²
UGA-UGM	30	300 ²
¹ Applies to a residential dwelling in a zoning district		
² From land in the Forest Conservation and Management (FCM) zoning district whenever the property's width or depth dimension from the FCM zoning district is at least 500 feet. Residential structures on properties not having 500 feet in the affected dimension shall be set back at least 100 feet from land in the FCM zoning district.		

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99; 16-070 §11 eff 4/13/16; amd 19-297 §5 eff 10/8/19]

934.735 UGAZ riparian habitat setback

The minimum setbacks from a riparian habitat are:

Zoning district	Minimum riparian habitat set back in feet from	
	Structures	Protected Mineral or Aggregate Site
UGA-EFU-80	50 ¹	50
UGA-F/F	50 ¹	50
UGA-HI	50 ¹	50
UGA-LI	50 ¹	50
UGA-AB	50 ¹	50
UGA-RCM	50 ¹	50
UGA-RR	50 ¹	50
UGA-UGM	50 ¹	50

¹(1) from the top of a bank of a sensitive riparian habitat as described in the *Comprehensive Plan* and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions), or
(2) from the top of a bank, or as otherwise shown for a lake or wetland identified in the *Comprehensive Plan* and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions).
The setback does not apply to water-dependent uses.

[Adopted 98-002 §3 eff 3/4/98; 99-156 §10 eff 6/30/99; amd 19-297 §5 eff 10/8/19]

934.740 UGAZ maximum heights

(A) For properties within the UGAZ, the maximum height limitations are subject to the following table.

Zoning District	Maximum height limitation in feet	
	With an Airport Overlay	Without an Airport Overlay
UGA-EFU-80	LCC 934.810	none
UGA-F/F	LCC 934.810	none
UGA-HI	LCC 934.810	none
UGA-LI	LCC 934.810	none
UGA-AB	LCC 934.810	none
UGA-RCM	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
UGA-RR	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater

UGA-UGM	LCC 934.810	35, or 2 stories, excluding daylight basements, whichever is greater
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[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 19-297 §5 eff 10/8/19]

934.745 UGAZ landscaping standards

(A) Development of property in the UGA-EFU-80, UGA-F/F zoning districts shall comply with the standards set forth in the respective zoning district.

(B) Development of property in the UGA-HI, UGA-LI, UGA-AB, UGA-RCM, UGA-RR, and UGA-UGM zoning districts shall comply with the standards set forth in the respective zoning district and LCC 934.220 to 934.228.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 19-297 §5 eff 10/8/19]

934.750 UGAZ sign standards

(A) Development of property in the UGA-EFU-80, UGA-F/F zoning districts shall comply with the sign standards set forth in the respective zoning district.

(B) Development of property in the UGA-HI, UGA-LI, UGA-AB, UGA-RCM, UGA-RR, and UGA-UGM zoning districts shall comply with the advertising signs and directional signs standards set forth in the respective zoning district and LCC 934.210 to 934.217.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 19-297 §5 eff 10/8/19]

934.755 UGAZ off-road parking standards

(A) Development of property in the UGA-EFU-80, UGA-F/F zoning districts shall comply with the off-road parking standards set forth in the respective zoning district.

(B) Development of property in the UGA-HI, UGA-LI, UGA-AB, UGA-RCM, UGA-RR, and UGA-UGM zoning districts shall comply with the advertising signs and directional signs standards set forth in the respective zoning district and LCC 934.250 to 934.260.

[Adopted 98-002 §3 eff 3/4/98; amd 19-297 §5 eff 10/8/19]

934.760 UGAZ screening and material storage standards

(A) Development of property in the UGA-EFU-80, UGA-F/F zoning districts shall comply with the screening or material storage standards set forth in the respective zoning district.

(B) Development of property in the UGA-HI, UGA-LI, UGA-AB, UGA-RCM, and UGA-UGM zoning districts shall comply with the screening or material storage standards set forth in the respective zoning district and LCC 934.130.

(C) Residential development on properties in a UGA-RR and UGA-UGM zoning districts adjoining a protected mineral or aggregate site shall incorporate a sight-obscuring, vegetative screen or a sight-obscuring fence along each side or rear property line adjoining the aggregate site. Any vegetative screen shall consist of species capable of growing to a height of at least 10 feet. Any sight-obscuring fence shall be at least six feet in height.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; 99-156 §10 eff 6/30/99; amd 19-297 §5 eff 10/8/19]

934.770 UGAZ access standards

In a zoning district in the UGAZ, access shall be designed to cause a minimum interference with traffic and shall be subject to the review and approval of the County Engineer. Upon recommendation of the County Engineer or state highway department, the dedication of additional right-of-way and improvements constructed by the applicant may be required in order to facilitate adequate traffic circulation.

[Adopted 98-002 §3 eff 3/4/98]

934.790 UGAZ manufactured home standards for placement on individual authorized units of land

(A) The manufactured home shall be:

(1) Multi-sectional and enclose a space of not less than 1,000 square feet.

(2) Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 18 inches above grade.

(3) Certified by the manufacturer to have an exterior thermal envelope meeting performance

standards which reduce infiltration and exfiltration levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010. This standard applies to new manufactured homes ordered from the manufactured home dealer. All other manufactured homes shall be certified to have been constructed with an exterior thermal envelope that met the manufactured home performance standards in place at the time the particular home was manufactured.

(4) Provided with gutters and down spouts to direct storm water away from the placement site.

(B) The manufactured home shall have:

(1) A pitched roof, except that no standard shall require a slope of greater than 3 feet in height for each 12 feet in width.

(2) Exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Department.

(3) Base enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof.

(4) A garage or carport constructed of like materials.

[Adopted 98-002 §3 eff 3/4/98]

D. OVERLAY STANDARDS

934.800 Overlay standards generally

There are no development standards in the DAO, HRO or SBHO.

[Adopted 98-002 §3 eff 3/4/98]

934.810 AO development standards

(A) The applicant must comply with the standards set forth in this section for all development in an AO.

(B) *Height Limitations.*

(1) All structures or trees shall meet all applicable standards of the Oregon Aeronautics Division and the Federal Aviation Administration.

(2) No structure, mast, antenna or wire shall be erected or altered and no tree shall exceed or be allowed to exceed the height limit within each of the imaginary surfaces set forth in subsection (C) of this section.

(C) *Imaginary surfaces.*

(1) *Clear Zone.* The ground area under the approach surface which extends from the primary surface to a point where the approach surface is 50 feet above the runway elevation. Land within the clear zone should be left open wherever possible. Agricultural uses are compatible unless they include structures or attract birds. The clear zone shall be 250 feet wide at the end of the runway and 450 feet wide at the beginning of the approach zone. The length of the clear zone is 1,000 feet.

(2) *Approach Surface.* The surface longitudinally centered on the extended runway centerline and extending upward and outward from each end of the runway. The slope of the height restriction in this surface is 20:1. For every 20 feet from each end of the runway, the height limitation is increased by one foot to a maximum distance of 5,000 feet.

(3) *Transitional Surface.* The surface that extends upward and outward at right angles to the runway centerline. This surface extends at a slope of 7:1 from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

(4) *Horizontal Surface.* A horizontal plane which surrounds the airport 150 feet above the airport elevation.

(5) *Conical Surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(D) *Roadways, parking areas and storage yards.* Roadways, parking areas and storage yards shall be located in such a manner that vehicle lights shall not result in glare in the eyes of the

pilots or in any other way impair visibility in the vicinity of the runway approach.

(E) *Other Interference Prohibited.* Notwithstanding any other provisions of the Land Development Code, no use may be made of land or water within any zoning district established by the Land Development Code in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lights; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(F) *Noise Sensitive Limitations.* Within the applicable airport noise contours of the Albany and Lebanon airports, which are indicated on Figures 1 and 2 following this Chapter, the following regulations shall apply:

(1) In the 55 to 60 Ldn range day-night sound level area (Ldn), a declaration of anticipated noise levels shall be attached to any building permit and land division approval.

(2) In the 60 to 65 Ldn area, in addition to (1) above, prior to issuance of a building permit for construction of noise-sensitive land use (such as real property normally used for sleeping or normally used as schools, churches, hospitals or public libraries), the permit applicant shall be required to demonstrate that a noise-abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than that of noise-sensitive property within the Ldn 55 area. The Director will review building permits for noise-sensitive developments.

[Adopted 98-002 §3 eff 3/4/98]

934.830 LUO property development standards

The following standards shall regulate development of all properties.

Minimum	LUO
Size	1 acre
Width	100 feet
Depth	100 feet
Width (adjoining FCM zoning district)	500 feet
Depth (adjoining FCM zoning district)	500 feet

(A) *Frontage:* All new authorized units of land shall have frontage onto a public road. The frontage shall be at least 100 feet.

(B) *Coverage:* The principle structure and accessory structures shall not cover in excess of 30 percent of the total property size.

(C) Minimum setback standards for all structures are set forth in the following table:

Front yard	(1) 30 feet from the front property line, or (2) 60 feet from the centerline of the road, whichever is greater
Side yard*	10 feet
Rear yard*	10 feet
Riparian habitat as described in the <i>Comprehensive Plan</i>	* (1) from the top of a bank of a sensitive riparian habitat as described in the <i>Comprehensive Plan</i> and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions), or (2) from the top of a bank, or as otherwise shown for a lake or wetland identified in the <i>Comprehensive Plan</i> and shown in Appendix 1, Figure 8 following LCC Chapter 920 (Development Code; General Provisions). The setback does not apply to water-dependent uses.
* Where an authorized unit of land abuts a residential zoning district or is within 100 feet of an existing residence, the setback shall be a minimum of 30 feet.	

(D) *Additional setbacks for residential structures:*

(1) Residential structures shall be set back from property lines at least 300 feet from land in the Forest Conservation and Management (FCM) zoning district whenever the property’s width or depth dimension from the FCM zoning district is at least 500 feet. Residential structures

on properties not having 500 feet in the affected dimension shall be set back at least 100 feet from land in the FCM zoning district.

(2) Residential structures shall be set back at least 30 feet from the side and rear property line adjoining an aggregate extraction site.

(E) *Maximum height*: No height limitation except within an Airport Overlay .

(F) *Landscaping*: Landscaping shall be provided for uses listed in LCC 934.210 to 934.217 in accordance with the standards in LCC 934.210 to 934.217.

(G) *Signs*: On-premise advertising signs and directional signs shall only be developed as provided in LCC 934.210 to 934.217.

(H) *Screening and materials storage*: Site screening and outdoor materials storage, when required by LCC 934.210 to 934.217, shall be provided in accordance with the requirements of LCC 934.210 to 934.217.

(I) *Off-road parking*: The minimum standards for off-road parking shall be provided as specified in LCC 934.210 to 934.217.

(J) Access shall be designed to cause a minimum interference with traffic and shall be subject to the review and approval of the County Engineer. Upon recommendation of the County Engineer or state highway department, the dedication of additional right-of-way and improvements constructed by the applicant may be required in order to facilitate adequate traffic circulation.

(K) Artificial lighting, including illuminated signs and parking area lights, shall be so arranged as not to produce glare on adjacent properties.

(L) *Screening*: Residential development on properties adjoining an aggregate extraction site shall incorporate a sight-obscuring, vegetative screen or a sight-obscuring fence along each side or rear property line adjoining the aggregate site. Any vegetative screen shall consist of species capable of growing to a height of at least 10 feet. Any sight-obscuring fence shall be at least six feet in height.

[Adopted 98-002 §3 eff 3/4/98; 99-121 §150 eff 6/30/99]

934.850 WRGO property development standards

The standards in this section shall regulate changes of use, development or intensifications of all properties.

(A) Structures not water-related or water-dependent shall be set back 100 feet from the ordinary high water line of the Willamette River.

(B) Private docks, wharves and covered storage shall be limited to one per property ownership and shall not extend more than 10 feet above water level nor be more than 300 square feet in area. Walkways to such docks, wharves or covered storage shall not exceed five feet in width.

(C) Public access to and along the Willamette River, when deemed appropriate, shall be provided. It shall be designed and developed in a manner that minimizes the opportunity for trespass, vandalism and other adverse effects on adjoining properties. The provision of public access may be deemed appropriate and required as part of the proposal, especially when commercial, industrial, residential subdivision or privately or publicly-developed recreational facilities are proposed.

[Adopted 98-002 §3 eff 3/4/98]

E. MISCELLANEOUS DEVELOPMENT STANDARDS

934.900 Accessory Dwelling Unit Standards

The following standards shall apply to the establishment of an accessory dwelling unit (ADU):

(A) Only one ADU is permitted on an authorized unit of land.

(B) The ADU shall be located on the same authorized unit of land as the primary dwelling. If a portion of the subject property is located outside the urban growth boundary, the ADU shall be located inside the urban growth boundary.

(C) The ADU shall use the same driveway entrance as the primary dwelling. The driveway may be extended to provide access to the ADU.

(D) The ADU shall contain complete, independent, separate living quarters for one or more persons including provisions for living, sleeping, eating, sanitary facilities, and a separate, permanent cooking facility.

(E) The ADU shall not exceed 800 square feet in size.

(F) The ADU shall either be:

(1) Attached to or located within the interior of the lawfully established primary dwelling;

(2) Attached to or located within the interior of the lawfully established accessory building or accessory structure that existed upon the effective date of this section and that is accessory to a lawfully established primary dwelling; or

(3) Detached and separated no less than 8 feet and no more than 20 feet from the lawfully established primary dwelling, measured at the closest points between exterior walls of both dwellings. Architectural features, such as covered porches, bay windows, decks, and entrances are included in the measurement.

(G) An attached or interior ADU shall provide at least one separate exterior entrance. Internal entrance(s) to the attached building are permitted so long as an exterior entrance to the ADU is provided as required.

(H) The ADU shall be attached to a permanent foundation for which a building permit has been obtained.

(I) The following are not permitted for use as an ADU: recreational vehicle, park model recreational vehicle, yurt or any other similar recreational vehicle or recreational structure not intended for permanent human occupancy, or any structure unable to meet all applicable Oregon Residential Specialty Code or Oregon Structural Specialty Code requirements.

(J) Short-term rental of an ADU is prohibited. For purposes of this provision, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive days. Month to month rental agreements for long-term purposes is not a short-term rental when the renter(s) remains

the same each month. Prior to final land use authorization of an ADU, the land owner shall sign and record a covenant in the county deed records alerting future buyers to the short term rental limitation.

(K) Owner occupancy of either the ADU or the primary dwelling shall be required. Prior to final land use authorization of an ADU, the land owner shall sign and record a covenant in the county deed records alerting future buyers to the owner occupancy requirement.

(L) Combined footprints of all buildings accessory to the ADU shall not exceed 400 square feet.

[Adopted 18-108 §3 eff 7/1/18]

Statutory References and Other Authorities:

ORS 197; 203; 215; OAR 660, Div. 34

Legislative History of Chapter 934:

Adopted 98-002 eff 3/4/98

Amendments to 98-002

- #1 98-432 eff 10/21/98
 - #2 99-121 §15 eff 6/30/99
 - #3 99-156 §10 eff 6/30/99
 - #4 02-313 §6 eff 8/21/02
 - #5 04-051 §1 eff 2/18/04
 - #6 04-043 §3 eff 4/28/04
 - #7 12-305 §8 eff 12/12/12
 - #8 15-065 §1 eff 3/18/15
 - #9 16-070 §11 eff 4/13/16
 - #10 16-206 §2 eff 7/5/16
 - #11 18-108 §3 eff 7/1/18
 - #12 19-297 §5 eff 10/8/19
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TABLE 1 — PARKING SPACE REQUIRED BY USE

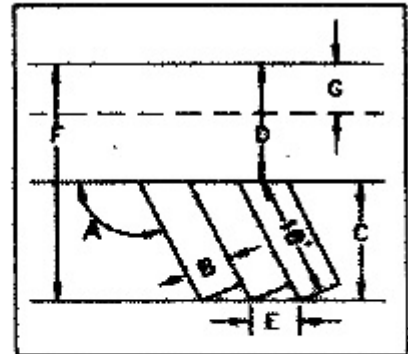
USE		PARKING SPACE REQUIRED		
(A) RESIDENTIAL TYPES	(1) Dwelling, single-family	Two for every dwelling unit on a single authorized unit of land		
	(2) Hotels, motels, motor hotels, etc	One for every guest room		
	(3) Rooming or boarding houses	One for every guest room		
	(4) Fraternities, sororities, cooperatives and dormitories	One for every three occupants for which sleeping facilities are provided		
(B) INSTITUTIONAL TYPES	(1) Hospitals	1½ for every bed; where a fraction, next higher full unit		
	(2) Churches, clubs, lodges	One for every four fixed seats or every eight feet of bench length or every 28 square feet where no permanent seats or benches are maintained in main auditorium, sanctuary or place of worship		
	(3) Libraries, museums, art galleries	One for every 500 square feet of gross floor area		
	(4) Nursing homes, homes for aged, group care homes, asylums, etc.	One for every three beds		
	(5) Welfare or correctional institution	One for every five beds		
	(6) Schools	Elementary or Junior High	1½ for every teaching station plus one for every eight fixed seats or where there are no fixed seats in an auditorium or assembly area, 1½ for every 100 square feet of seating area	
		High Schools	1 ½ for every teaching station plus one for every four fixed seats or for every 50 square feet of seating area, where there are no fixed seats in an auditorium	
		Colleges	“Commuter” type	One for every two full-time equivalent students
			“Resident” type	One for every four full-time equivalent students
	Commercial or business	One for every three classroom seats		
(C) COMMERCIAL TYPES	(1) Retail establishments, except as otherwise specified	One for every 300 square feet of gross floor area		

	(2) Barber and beauty shops	One for every 75 square feet of gross floor area
	(3) Bowling alleys	Six for every bowling lane
	(4) Pharmacies	One for every 150 square feet of gross floor area
	(5) Retail stores handling bulky merchandise, house-hold furniture or appliance repair shops	One for every 600 square feet or gross floor area
	(6) Office buildings, business or professional offices	One for every 400 square feet of gross floor area
	(7) Establishments or enterprises of a recreational or an entertainment nature:	(a) Spectator type, e.g., auditorium, assembly hall, theater, stadium, place of public assembly
		(b) Participating type, e.g., skating rinks, dance halls
		(c) Establishments for the sale and consumption on the premises of food and beverages
		(8) Other unspecified commercial uses
(D) INDUSTRIAL TYPES	(1) Except as specifically mentioned herein, industrial uses listed as permitted in the LI or HI zoning districts	One for every 500 square feet of gross floor area
	(2) Wholesale and storage operations	One for every 700 square feet of gross floor area
	(3) Laboratories and research facilities	One for every 300 square feet of gross floor area
	(4) Machinery or equipment sales	One for every 400 square feet of gross floor area
	(5) Other unspecified industrial uses	One for every 400 square feet of gross floor area

[Adopted 98-002 §3 eff 3/4/98]

TABLE 2 — PARKING TABLE AND DIAGRAM

A	B	C	D	E	F	G
Parallel	20'	12.0	12.0	22.0	26.0	2
30°	20'	13.8	11.0	25.4	24.0	1
	30'	14.1	11.0	24.9	26.1	
	45'	14.6	11.0	23.3	25.8	
	60'	15.1	11.0	27.8	25.1	
30°	20'	15.5	11.0	25.3	26.6	1
	30'	16.3	11.0	18.8	27.0	
	45'	16.4	11.0	17.0	27.4	
	60'	16.8	11.0	16.0	27.6	
45°	20'	17.3	11.0	19.6	26.3	1
	30'	17.7	13.0	20.0	26.7	
	45'	18.4	14.0	11.3	32.4	
	60'	18.7	13.5	12.0	32.2	
45°	20'	18.1	13.0	12.7	32.1	3
	30'	18.4	13.0	13.4	32.4	
	45'	18.8	13.0	14.1	32.6	
	60'	19.0	13.0	14.1	32.6	
60°	20'	18.7	18.0	9.2	36.7	3
	30'	19.2	18.5	9.8	36.5	
	45'	19.3	18.0	10.4	36.3	
	60'	19.5	18.0	11.0	36.5	
60°	20'	19.8	18.0	11.5	36.8	3
	30'	19.8	20.0	8.5	46.8	
	45'	20.1	19.5	9.0	46.6	
	60'	20.4	19.0	9.6	46.4	
70°	20'	20.6	18.5	10.1	46.1	3
	30'	20.9	18.0	10.6	45.9	
	45'	19.2	25.0	8.1	44.2	
	60'	19.3	24.0	8.6	43.3	
70°	20'	19.4	24.0	8.1	43.4	3
	30'	19.5	24.0	8.6	43.6	
	45'	19.6	24.0	10.2	43.6	
	60'	19.6	24.0	10.2	43.6	
90°	20'	18.0	26.0	8.5	44.0	3
	30'	18.0	25.0	8.5	43.0	
	45'	18.0	24.0	9.0	42.0	
	60'	18.0	24.0	9.5	42.0	
90°	20'	18.0	24.0	10.0	42.0	3
	30'	18.0	24.0	10.0	42.0	
	45'	18.0	24.0	10.0	42.0	
	60'	18.0	24.0	10.0	42.0	



LEGEND:

- "A" EQUALS THE PARKING ANGLE,
- "B" EQUALS THE STALL WIDTH,
- "C" EQUALS THE MINIMUM STALL DEPTH,
- "D" EQUALS THE MINIMUM CLEAR AISLE WIDTH,
- "E" EQUALS THE STALL DISTANCE AT BAY SIDE,
- "F" EQUALS THE MINIMUM CLEAR BAY WIDTH, AND
- "G" IS THE MAXIMUM PERMITTED DECREASE IN CLEAR AISLE WIDTH FOR PRIVATE PARKING AREAS.

All measurements in columns (B) to (G) are in feet.
 [Adopted 98-002 (2) eff 2/11/98]

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