

91-020
C: Spanglow
11-30-94
91-020

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 347**

4
5 **Relating to land use planning; creating new provisions; amending LCC 1.1373,**
6 **1.1375, 1.1620 and 1.1630; and declaring an emergency.**

7
8 The Lincoln County Board of Commissioners ordains as follows:

9 **SECTION 1.**

10 Section 2 of this ordinance is added to and made a part of LCC chapter 1, as
11 indicated.

12 **SECTION 2.**

13 **1.1371 Definitions for LCC 1.1372 to 1.1375**

14 **As used in LCC 1.1372 to 1.1375:**

15 **(1)(a) "High value farmland" means:**

16 **(A) Land in a tract composed predominantly of soils that are classified**
17 **capability Class II, whether irrigated or not irrigated;**

18 **(B) Tracts of land growing specified perennials as demonstrated by the most**
19 **recent aerial photography of the Agricultural Stabilization and Conservation Service**
20 **of the United States Department of Agriculture taken prior to November 3, 1993.**
21 **As used in this subparagraph, "specified perennials" means perennials grown for**
22 **market or research purposes including, but not limited to, nursery stock, berries,**
23 **fruits, nuts, christmas trees or vineyards, but not including seed crops, hay, pasture**
24 **or alfalfa; or**

25 **(C) Tracts which include land used in conjunction with a dairy operation on**
26 **January 1, 1993, and which are composed predominantly of the following soils in**

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted; new sections are in boldfaced type.

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1 **Class III and Class IV, or a combination of the following soils and soils described**
2 **in subparagraph (A) of this paragraph:**

3 **(i) Subclassification IIIw (Brenner and Chitwood).**

4 **(ii) Subclassification IVe (Winema).**

5 **(iii) Subclassification IVw (Coquille).**

6 **(b) Soil classes and ratings used in this subsection are those of the Soil**
7 **Conservation Service in its most recent publication for that class or rating prior to**
8 **November 3, 1993.**

9 **(2) "Tract" means one or more contiguous lots or parcels under the same**
10 **ownership.**

11 **SECTION 3.**

12 **LCC 1.1373 is repealed and the following is enacted in lieu thereof:**

13 **1.1373 Agricultural Conservation Zone A-C**

14 **In an A-C zone, the following regulations shall apply:**

15 **(1) Uses Permitted Outright:**

16 **The following uses and their accessory uses are permitted subject to the**
17 **applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599 and 1.1901 to 1.1999:**

18 **(a) Farm use as defined in ORS 215.203.**

19 **(b) Other buildings customarily provided in conjunction with farm use.**

20 **(c) Propagation and harvesting of a forest product.**

21 **(d) Creation, restoration and enhancement of wetlands.**

22 **(e) A winery as defined in ORS 215.452.**

23 **(f) Operations for the exploration of geothermal resources as defined by ORS**
24 **522.005, oil and gas as defined by ORS 520.005, or minerals as defined by ORS 517.750.**

25 **(g) Climbing and passing lanes within a highway right of way existing as of**
26 **July 1, 1987.**

Page **2 -- ORDINANCE #**

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing ordinance to be omitted;
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July 1, 1987.

(h) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of structures would occur, and no new land parcels would be created.

(i) Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.

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

(k) Alteration, restoration or replacement of a lawfully established dwelling that:

(A) Has intact interior walls and roof structure;

(B) Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

(C) Has interior wiring or interior lights;

(D) Has a heating system; and

(E) In the case of replacement, is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling.

(2) Conditional Uses Permitted:

The following uses and their accessory uses may be permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999:

(a) One single family dwelling customarily provided in conjunction with farm

1 (b) One single family dwelling not provided in conjunction with farm use,
2 subject to subsection (4) of this section.

3 (c) One single family dwelling on a tract of record, meeting the following
4 qualifications:

5 (A) The lot or parcel on which the dwelling is to be sited was lawfully created
6 and was acquired by the present owner prior to January 1, 1985, or by devise or
7 intestate succession from a person who acquired the lot or parcel prior to January
8 1, 1985.

9 (B) The tract upon which the dwelling is to be sited does not include another
10 a dwelling.

11 (C) The lot or parcel upon which the dwelling is to be sited is not on high
12 value farmland.

13 (D) If the tract on which the dwelling is to be sited consists of more than one
14 lot or parcel, all lots and parcels within the tract shall be consolidated into a single
15 lot or parcel.

16 (E) The director shall notify the county assessor of any decision to permit a
17 dwelling under this subsection.

18 (F) As used in subparagraph (A) of this paragraph, "owner" includes the
19 wife, husband, son, daughter, mother, father, brother, brother-in-law, sister,
20 sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt,
21 uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner,
22 or a business entity owned by any one or combination of these family members.

23 (d) A farm help dwelling.

24 (e) A medical hardship dwelling.

25 (f) Primary processing of forest products.

26 (g) Public or private schools, including all buildings essential to the operation

1 of a school, except that no such use may be authorized within three miles of an
2 urban growth boundary, unless an exception is approved pursuant to ORS 197.732
3 and OAR chapter 660, division 4, and further that no such use may be authorized
4 on high value farmland.

5 (h) Churches and cemeteries in conjunction with churches, except that no
6 such use may be authorized within three miles of an urban growth boundary, unless
7 an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division
8 4, and further that no such use may be authorized on high value farmland.

9 (i) Utility facilities necessary for public service, excluding commercial utility
10 facilities for the purpose of generating power for public use by sale and transmission
11 towers over 200 feet in height. A facility is necessary if it must be situated in an
12 A-C zone in order for the service to be provided.

13 (j) A replacement dwelling to be used in conjunction with farm use if the
14 existing dwelling has been listed in a county inventory as historic property and is
15 listed on the National Register of Historic Places.

16 (k) Processing, as defined by ORS 517.750, of aggregate into asphalt or
17 portland cement, except that asphalt production shall not be permitted within two
18 miles of a producing vineyard of 40 acres or more which is planted as of the date
19 that the application for asphalt production is filed.

20 (3) Additional Conditional Uses Permitted that are Subject to OAR 660-33-
21 130(5):

22 The following uses and their accessory uses may be permitted subject to the
23 provisions of subsection (6) of this section and the applicable provisions of LCC
24 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999:

25 (a) Propagation, cultivation, maintenance, and harvesting of aquatic species.

26 (b) Residential home as defined in ORS 197.675 in an existing dwelling.

- 1 (c) Commercial activities in conjunction with farm use.
- 2 (d) Home occupation.
- 3 (e) Dog kennels, except that such uses are prohibited on high value farmland.
- 4 (f) Operations for the production of geothermal resources as defined in ORS
- 5 522.005, and oil and gas as defined in ORS 520.005.
- 6 (g) Operations conducted for the mining, crushing or stockpiling of mineral,
- 7 aggregate and other subsurface resources subject to ORS 215.298.
- 8 (h) Personal use airports and heliports, including associated hangars and
- 9 maintenance and service facilities.
- 10 (i) Private parks, playgrounds, hunting and fishing preserves and
- 11 campgrounds, except that such uses are prohibited on high value farmland.
- 12 (j) Parks, playgrounds or community centers owned by a governmental
- 13 agency or non-profit community organization.
- 14 (k) Golf courses, except that such uses are prohibited on high value farmland.
- 15 (L) Transmission towers over 200 feet in height.
- 16 (m) Commercial utility facilities for the purpose of generating power for
- 17 public use by sale. A power generation facility shall not preclude more than 12
- 18 acres of high value farmland or 20 acres of other land from commercial farm use
- 19 unless an exception is approved pursuant to OAR chapter 660 division 4.
- 20 (n) A site for the disposal of solid waste approved by a city or county
- 21 governing body and for which a permit has been granted by the Department of
- 22 Environmental Quality under ORS 459.245, including the equipment, facilities, and
- 23 buildings necessary for its operation, except that such uses are prohibited on high
- 24 value farmland.
- 25 (o) Construction of additional passing and travel lanes requiring the
- 26 acquisition of right of way, but not resulting in the creation of new land parcels.

1 (p) Reconstruction or modification of public roads and highways involving the
2 removal or displacement of structures, but not resulting in the creation of new land
3 parcels.

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

7 (3) Requirements for Dwellings Customarily Provided in Conjunction with
8 Farm Use:

9 (a) On land not identified as high-value farmland, a dwelling may be
10 considered customarily provided in conjunction with farm use if:

11 (A) The parcel on which the dwelling will be located is at least 160 acres;

12 (B) The subject tract is currently employed for farm use, as defined in ORS
13 215.203;

14 (C) The dwelling will be occupied by a person or persons who will be
15 principally engaged in the farm use of the land, such as planting, harvesting,
16 marketing or caring for livestock, at a commercial scale; and

17 (D) There is no other dwelling on the subject tract.

18 (b) On land not identified as high-value farmland, a dwelling may be
19 considered customarily provided in conjunction with farm use if:

20 (A) The subject tract is currently employed for the farm use, as defined in
21 ORS 215.203, that produced in the last two years, or three of the last five years,
22 gross annual income of at least \$22,500. In determining the gross income required
23 by this subparagraph, the cost of purchased livestock shall be deducted from the
24 total gross income attributed to the tract;

25 (B) There is no other dwelling on the subject tract; and

26 (C) The dwelling will be occupied by a person or persons who produced the

1 commodities which generated the grossed income described in subparagraph (A) of
2 this paragraph.

3 (c) On land not identified as high-value farmland, a dwelling may be
4 considered customarily provided in conjunction with farm use if:

5 (A) The subject tract is at least as large as the median size of those
6 commercial farm or ranch tracts capable of generating at least \$10,000 in annual
7 gross sales that are located within a study area which includes all tracts wholly or
8 partially within one mile from the perimeter of the subject tract;

9 (B) The subject tract is capable of producing at least the median level of
10 annual gross sales of county indicator crops as the same commercial farm or ranch
11 tracts used to calculate the tract size in subparagraph (A) of this paragraph;

12 (C) The subject tract is currently employed for a farm use, as defined in ORS
13 215.203, at a level capable of producing the annual gross sales required in
14 subparagraph (B) of this paragraph;

15 (D) The subject lot or parcel on which the dwelling is proposed is not less
16 than 10 acres;

17 (E) There is no other dwelling on the subject tract; and

18 (F) If no farm use has been established at the time of application, land use
19 approval shall be subject to a condition that no building permit may be issued prior
20 to the establishment of the farm use required by subparagraph (C) of this
21 paragraph.

22 (d) In order to identify the commercial farm or ranch tracts to be used in
23 paragraph (c) of this subsection, the gross sales capability of each tract in the study
24 area including the subject tract must be determined, using the gross sales figures
25 provided by the Land Conservation and Development Commission pursuant to OAR
26 660-33-135(4) as follows:

Page 8 -- ORDINANCE #

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1 (A) Identify the study area. This includes all the land in the tracts wholly or
2 partially within one mile of the perimeter of the subject tract;

3 (B) Determine for each tract in the study area the number of acres in every
4 land classification from the county assessor's data;

5 (C) Determine the potential earning capability for each tract by multiplying
6 the number of acres in each land class by the gross sales per acre for each land class
7 provided by the LCDC pursuant to OAR 660-33-135(4). Add these to obtain the
8 potential earning capability for each tract.

9 (D) Identify those tracts capable of grossing at least \$10,000 dollars based on
10 the data generated in subparagraph (C) of this paragraph; and

11 (E) Determine the median size and median gross sales capability for those
12 tracts capable of generating at least \$10,000 dollars in annual gross sales to use in
13 subparagraphs (A) and (B) of paragraph (c) of this subsection.

14 (e) On land identified as high-value farmland, a dwelling may be considered
15 customarily provided in conjunction with farm use if:

16 (A) The subject tract is currently employed for the farm use, as defined in
17 ORS 215.203, that produced at least \$80,000, in 1994 dollars, in gross annual income
18 from the sale of farm products in the last two years or three of the last five years.
19 In determining the gross income required by this subparagraph, the cost of
20 purchased livestock shall be deducted from the total gross income attributed to the
21 tract;

22 (B) There is no other dwelling on the subject tract; and

23 (C) The dwelling will be occupied by a person or persons who produced the
24 commodities which generated the gross income described in subparagraph (A) of this
25 paragraph.

26 (5) Requirements for Dwellings Not Provided in Conjunction With Farm Use:

1 Dwellings not provided in conjunction with farm use may be authorized upon
2 findings that:

3 (a) The dwelling or activities associated with the dwelling will not force a
4 significant change in, or significantly increase the cost of, accepted farming or forest
5 practices on nearby lands devoted to farm or forest use;

6 (b) The dwelling is situated upon a lot or parcel, or a portion of a lot or
7 parcel, that is generally unsuitable land for the production of farm crops and
8 livestock, considering the terrain, adverse soil or land conditions, drainage and
9 flooding, vegetation, location and size of the tract. A lot or parcel shall not be
10 considered unsuitable solely because of size or location if it can reasonably be put
11 to farm or forest use in conjunction with other land. If the parcel is under forest
12 assessment, the dwelling shall be situated upon generally unsuitable land for the
13 production of merchantable tree species recognized by the Forest Practices Rules,
14 considering the terrain, adverse soil or land conditions, drainage and flooding,
15 vegetation, location and size of the parcel. A lot or parcel is not "generally
16 unsuitable" simply because it is too small to be farmed profitably by itself. If a lot
17 or parcel can be sold, leased, rented or otherwise managed as part of a commercial
18 farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be
19 suitable if it is composed predominantly of Class I-IV soils. Just because a lot or
20 parcel is unsuitable for one farm use does not mean it is not suitable for another
21 farm use. If the parcel is under forest assessment, the area is not "generally
22 unsuitable" simply because it is too small to be managed for forest production
23 profitably by itself. If a lot or parcel under forest assessment can be sold, leased,
24 rented or otherwise managed as a part of a forestry operation, it is not "generally
25 unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if
26 it is composed predominantly of soils capable of producing 50 cubic feet of wood

1 fiber per acre per year. If a lot or parcel is under forest assessment, to be found
2 compatible and not seriously interfere with forest uses on surrounding land it must
3 not force a significant change in forest practices or significantly increase the cost of
4 those practices on the surrounding land; and

5 (c) The dwelling will not materially alter the stability of the overall land use
6 pattern of the area. In determining whether a proposed nonfarm dwelling will alter
7 the stability of the land use pattern in the area, the director or commission shall
8 consider the cumulative impact of nonfarm dwellings on other lots or parcels in the
9 area similarly situated. If the application involves the creation of a new parcel for
10 the nonfarm dwelling, the director or commission shall consider whether creation of
11 the parcel will lead to creation of other nonfarm parcels, to the detriment of
12 agriculture in the area.

13 (6) Requirements for Conditional Uses Subject To OAR 660-33-130(5):

14 Approval of uses subject to the requirements of this subsection requires
15 findings that such uses:

16 (a) Will not force a significant change in a accepted farm or forest practices
17 on surrounding lands devoted to farm or forest use; and

18 (b) Will not significantly increase the cost of accepted farm or forest practices
19 on lands devoted to farm or forest use.

20 (7) Additional Tax Payment Requirements:

21 Any conditional use approval for a non-farm use in the A-C zone shall
22 require as a condition that, prior to final permit approval, verification be provided
23 from the Lincoln County Assessor that any additional taxes imposed on the change
24 in use have been paid.

25 (8) Lot Size Standards:

26 (a) The minimum lot size shall be 80 acres.

1 (b) Land divisions creating parcels of less than 80 acres may be permitted for
2 non-farm uses authorized in accordance with subsection (2) or (3) of this section.
3 Such new parcels shall be the minimum size needed to accommodate the authorized
4 use. No new parcels for non-farm uses may be created until after the subject use
5 has been authorized in accordance with subsections (2) or (3) of this section.

6 (c) New lots or parcels for dwellings not in conjunction with farm use may be
7 permitted only if the dwelling has been authorized in accordance with subsection (2)
8 or (3) of this section and:

9 (A) The remaining lot or parcel not containing the dwelling meets the
10 minimum 80 acre parcel size of the A-C zone; or

11 (B) The remaining lot or parcel not containing the dwelling is consolidated
12 with an adjoining lot or parcel which together meet the 80 acre minimum parcel size
13 of the A-C zone.

14 (d) New parcels created for dwellings not in conjunction with farm use shall
15 be a minimum of two acres.

16 (8) Dimensional Standards:

17 (a) The front yard shall be a minimum of 20 feet.

18 (b) Each side yard shall be a minimum of five feet, or one foot for each three
19 feet of building height, whichever is greater.

20 (c) The rear yard shall be a minimum of 10 feet, except that on a corner lot
21 it shall be a minimum of either five feet, or one foot for each three feet of building
22 height, whichever is greater.

23 (d) No structure shall be located closer than 30 feet from the right of way of
24 any state highway, and no structure shall be located closer than 30 feet from the
25 right of way of any arterial or collector street which has a right of way width of less
26 than 60 feet.

1 (e) No dwelling or residential accessory structure shall exceed a height of 30
2 feet.

3 **SECTION 4.**

4 LCC 1.1375 is repealed and the following is enacted in lieu thereof:

5 **1.1375 Timber Conservation Zone T-C**

6 **In a T-C zone the following regulations shall apply:**

7 **(1) Uses Permitted Outright:**

8 The following uses and their accessory uses are permitted outright, subject
9 to applicable siting criteria, other applicable provisions of this section, and applicable
10 provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, and 1901-1.1999:

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

14 (b) Temporary on-site structures which are auxiliary to and used during the
15 term of a particular forest operation. As used in this paragraph, "auxiliary" means
16 a use or alteration of a structure or land which provides help or is directly
17 associated with the conduct of a particular forest practice. An "auxiliary structure"
18 is located on-site, temporary in nature, and is not designed to remain for the forest's
19 entire growth cycle from planting to harvesting. An auxiliary use is removed when
20 a particular forest practice has concluded.

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

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

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1 (e) Farm use as defined in ORS 215.203.

2 (f) Local distribution lines, such as electric, telephone and natural gas, and
3 accessory equipment, such as electric distribution transformers, poles, meter
4 cabinets, terminal boxes, pedestals, or equipment which provides service hookups,
5 including water service hookups.

6 (g) Temporary portable facility for the primary processing of forest products.
7 The facility shall not be placed on a permanent foundation and shall be removed at
8 the conclusion of the forest operation requiring its use.

9 (h) Temporary forest labor camps limited to the duration of the forest
10 operation requiring the use.

11 (i) Exploration for, and production of, geothermal, gas, oil, and other
12 associated hydrocarbons, including the placement and operation of compressors,
13 separators and other customary production equipment for an individual well
14 adjacent to the well head as defined in ORS chapters 517 and 520.

15 (j) Caretaker residences for public parks and fish hatcheries.

16 (k) Private hunting and fishing operations without any accommodations.

17 (L) Exploration for mineral and aggregate resources as defined in ORS
18 chapter 517.

19 (m) Towers and fire stations for forest fire protection.

20 (n) Widening of roads within existing rights-of-way in conformance with the
21 transportation element of acknowledged comprehensive plans, including public road
22 and highway projects as described in ORS 215.213(1)(L) through (o) and ORS
23 215.283(1)(k) through (n).

24 (o) Water intake facilities, canals and distribution lines for farm irrigation
25 and ponds.

26 (p) Uninhabitable structures accessory to fish and wildlife enhancement.

1 (g) Alteration, restoration or replacement of a lawfully established dwelling
2 that:

3 (A) Has intact interior walls and roof structure;

4 (B) Has indoor plumbing consisting of a kitchen sink, toilet, and bathing
5 facilities connected to a sanitary waste disposal system;

6 (C) Has interior wiring or interior lights;

7 (D) Has a heating system; and

8 (E) In the case of replacement, is removed, demolished or converted to a
9 permitted nonresidential use within 90 days of completion of the replacement
10 dwelling.

11 (2) Conditional Uses Permitted:

12 The following uses may be permitted subject to provisions of subsection (3)
13 of this section and applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599,
14 1.1601 to 1.1699, and 1.1901 to 1.1999:

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

16 (b) Permanent logging equipment repair and storage.

17 (c) Log scaling and weigh stations.

18 (d) Disposal site for solid waste approved by the governing body of a city or
19 county or both and for which the Department of Environmental Quality has granted
20 a permit under ORS 459.245, together with equipment, facilities or buildings
21 necessary for its operation.

22 (e) Parks and campgrounds.

23 (f) Mining and processing of oil, gas, or other subsurface resources, as defined
24 in ORS chapter 520, and not otherwise permitted under paragraph (i) of subsection
25 (1) of this section, such as compressors, separators and storage serving multiple
26 wells, and mining and processing of aggregate and mineral resources as defined in

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ORS chapter 517.

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

(h) Fire stations for rural fire protection.

(i) Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;

(j) Aids to navigation and aviation.

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

(L) Reservoirs and water impoundments.

(m) Firearms training facility.

(n) Cemeteries.

(o) Private seasonal accommodations for fee hunting operation, subject to subsections (3), (6) and (7) of this section and the following requirements:

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

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

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

(p) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines, such as gas, oil and geothermal, with rights-of-way 50 feet wide or less in width.

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

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(r) Home occupations.

(s) Medical hardship dwelling.

(t) Expansion of existing airports.

(u) Public road and highway projects as described in ORS 215.213(2)(p) through (r) and ORS 215.283(2)(p) through (r).

(v) Private accommodations for fishing occupied on a temporary basis, subject to subsections (3), (6) and (7) of this section, and the following requirements:

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

(B) Only minor incidental and accessory retail sales are permitted;

(C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(D) Accommodations must be located within 1/4 mile of fish bearing Class I waters.

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

(x) One single-family dwelling on a tract meeting the following qualifications:

(A) The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired by the present owner prior to January 1, 1985, or by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985. As used in this subparagraph, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner, or a business entity owned by any one or combination of these family members.

1 **(B) The tract upon which the dwelling is to be sited does not include another**
2 **dwelling.**

3 **(C) The tract is composed of soils not capable of producing 5,000 cubic feet**
4 **per year of commercial tree species.**

5 **(D) The tract is located within 1,500 feet of a maintained public road as**
6 **defined in ORS 368.001 that is either paved or surfaced with rock, but not including**
7 **United States Forest Service and Bureau of Land Management roads.**

8 **(E) If the tract on which the dwelling is to be sited consists of more than one**
9 **lot or parcel, all lots and parcels within the tract shall be consolidated into a single**
10 **lot or parcel.**

11 **(y) Non-forest dwelling, subject to the provisions of subsections (5), (6) and**
12 **(7) of this section.**

13 **(z) One single family dwelling on a tract of 160 or more contiguous acres.**

14 **(3) Limitations on Conditional Uses:**

15 **The Planning Director or Commission shall determine whether a use other**
16 **than a dwelling authorized by subsection (2) of this section meets the following**
17 **requirements. These requirements are designed to make the use compatible with**
18 **forest operations and agriculture, and to conserve values found on forest lands:**

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

22 **(b) The proposed use will not significantly increase fire hazard, significantly**
23 **increase fire suppression costs, or significantly increase risks to fire suppression**
24 **personnel; and**

25 **(c) A written statement recorded with the deed or written contract with the**
26 **county or its equivalent is obtained from the land owner which recognizes the rights**

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1 of adjacent and nearby land owners to conduct forest operations consistent with the
2 Forest Practices Act and paragraphs (e), (l), (r), (s) and (v) of subsection (2) of this
3 section.

4 (4) Lot Size Standards:

5 (a) The minimum lot size shall be 80 acres.

6 (b) Land divisions creating parcels less than 80 acres in size may be approved
7 for uses which have been authorized in accordance with paragraphs (a) through (n)
8 of subsection (2) of this section. Such parcels shall be the minimum size necessary
9 to accommodate the authorized use.

10 (5) Non-Forest Dwellings:

11 (a) Tracts Not Abutting a Public Road or Perennial Stream and Tracts of
12 Less Than 60 Acres Which Abut a Perennial Stream:

13 A non-forest dwelling to be sited on a tract which does not abut a road or
14 perennial stream, or which abuts a perennial stream and is less than 60 acres in size,
15 shall meet the following qualifications:

16 (A) All or part of at least 11 other lots or parcels that existed on January 1,
17 1993, are within a 160 acre square centered on the subject tract; and

18 (B) At least three dwellings existed on January 1, 1993, anywhere on the other
19 lots or parcels described in subparagraph (A) of this paragraph.

20 (b) Tracts of Less Than 60 Acres Which Abut a Public Road:

21 A non-forest dwelling to be sited on a tract which is less than 60 acres in size
22 and which abuts a road that existed on January 1, 1993, shall meet the following
23 qualifications:

24 (A) All or part of 11 other lots or parcels that existed on January 1, 1993, are
25 within either a 160 acre square centered on the subject tract or a 160 acre rectangle
26 1/4 mile wide and one mile long, centered on the subject tract and, to the maximum

1 extent possible, aligned with the road; and

2 (B) At least three other dwellings existed on January 1, 1993, on the other lots
3 or parcels described in subparagraph (A) of this paragraph.

4 (c) Tracts of 60 Acres or Greater Which Abut a Public Road or Perennial
5 Stream:

6 A non-forest dwelling to be sited on tract which is 60 acres or greater in size
7 and which abuts a road or perennial stream shall meet the following qualifications:

8 (A) All or part of 11 other lots or parcels that existed on January 1, 1993, are
9 within a 160 acre rectangle 1/4 mile wide and one mile long centered on the subject
10 tract and, to the maximum extent possible, aligned with the road or stream;

11 (B) At least three other dwellings existed on January 1, 1993, on the other lots
12 or parcels described in subparagraph (A) of this paragraph. At least one of the
13 three dwellings shall be on the same side of road or stream as the subject tract, and
14 shall be either within the 160 acre rectangle or within 1/4 mile of the edge of the
15 subject tract but not outside the length of the 160 acre rectangle; and

16 (C) If a road crosses the subject tract, at least one of the three required
17 dwellings shall be on the same side of the road as the proposed dwelling.

18 (d) Lots or parcels within urban growth boundaries shall not be counted
19 toward satisfying the qualification requirements for any dwelling permitted under
20 this subsection.

21 (e) No dwelling may be permitted under this subsection on any tract which
22 includes a dwelling.

23 (f) If the lot or parcel upon which a dwelling permitted under this subsection
24 is to be sited is part of a tract, no additional dwellings may be permitted on any
25 other lot or parcel within the tract. Deed restrictions shall be established pursuant
26 to and in accordance with subsection (6) of this section.

1 **(6) General Requirements for all Dwellings:**

2 In addition to the other applicable requirements of this chapter and this
3 section, all dwellings authorized in the T-C zone shall be subject to the following
4 conditions:

5 (a) The director shall notify the county assessor of any decision to approve a
6 dwelling in the T-C zone.

7 (b) Approval of a dwelling requires the owner of the tract to plant a sufficient
8 number of trees on the tract to demonstrate that the tract is reasonably expected to
9 meet Department of Forestry stocking requirements at the time specified in
10 Department of Forestry administrative rules.

11 (c) The planning department shall notify the county assessor of the above
12 condition at the time the dwelling is approved.

13 (d) The property owner shall submit a stocking survey report to the county
14 assessor and the assessor shall verify that the minimum stocking requirements have
15 been met by the time required by Department of Forestry Rules. The assessor shall
16 inform the Department of Forestry in cases where the property owner has not
17 submitted a stocking survey report or where the survey report indicates that
18 minimum stocking requirements have not been met.

19 (e) Upon notification by the assessor the Department of Forestry shall
20 determine whether the tract meets minimum stocking requirements of the Forest
21 Practices Act. If the department determines that the tract does not meet those
22 requirements, the department shall notify the owner and the assessor that the land
23 is not being managed as forest land. The assessor shall then remove the forest land
24 designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS
25 321.372.

26 (f) The applicant shall provide evidence to the governing body that the

1 domestic water supply is from a source authorized in accordance with the Water
2 Resources Department's administrative rules for the appropriation of ground water
3 or surface water and not from a Class II stream as defined in the Forest Practices
4 Rules, OAR chapter 629. For purposes of this subsection, evidence of a domestic
5 water supply means:

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

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

11 (C) Verification from the Water Resources Department that a water use
12 permit is not required for the use described in the application. If the proposed
13 water supply is from a well and is exempt from permitting requirements under ORS
14 537.545, the applicant shall submit the well constructor's report to the county upon
15 completion of the well.

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

22 (h) For dwellings which are approved on a tract consisting of more than one
23 lot or parcel, the applicant shall provide copies of covenants and restrictions which:

24 (A) Are set forth on a form prescribed by the division and recorded in the
25 deed records of the county;

26 (B) Prohibit the location of any additional dwellings on any lot or parcel

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which is a part of the tract; and

(C) Are irrevocable, unless a statement of release is signed by the director and the Director of the Department of Land Conservation and Development.

(i) Enforcement of the covenants and restrictions required by this section may be undertaken by the Department of Land Conservation and Development or by Lincoln County.

(j) Failure to follow the covenants and restrictions requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants and restrictions.

(k) The director shall maintain a copy of the covenants and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants and restrictions. This map or other record shall be available to the public in the division office.

(7) Siting and Fire Protection Standards for Dwellings:

The following siting fire protection standards shall apply to all new dwellings:

(a) Dwellings and structures shall be sited on the subject lot or parcel so that:

(A) They have the least impact on nearby or adjoining forest 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 land used to site access roads, service corridors, the dwelling and structures is minimized; and

(D) The risks associated with wildfire are minimized. The division or commission may impose conditions on any dwelling approval which are deemed necessary to ensure conformance with the standards contained in this paragraph, including, but not limited to, requiring increased setbacks from adjoining properties,

1 sitting on that portion of a property least suitable for growing trees, or clustering
2 near existing dwellings or roads.

3 (b) Dwellings shall have fire retardant roofs conforming to the requirements
4 of Section R 221.4.2.1 of the State of Oregon One and Two Family Dwelling
5 Specialty Code, 1993 Edition.

6 (c) Dwellings shall be sited on slopes of 40 percent or less.

7 (d) A primary fire break no less than 30 feet wide shall be provided and
8 maintained. The primary firebreak may include a lawn, ornamental shrubbery or
9 individual or groups of trees separated by a distance equal to the diameter of the
10 crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be
11 pruned to at least eight feet in height. Dead fuels shall be removed.

12 (e) A secondary firebreak cleared of all dead fuels shall be provided and
13 maintained. The size of the secondary firebreak shall be:

14 (A) On slopes of less than 10 percent, 50 feet beyond the primary firebreak.

15 (B) On slopes of 11 to 25 percent, 75 feet beyond the primary firebreak.

16 (C) On slopes of 26 to 40 percent, 100 feet beyond the primary firebreak.

17 (D) On slopes greater than 40 percent, 150 feet beyond the primary firebreak.

18 (f) All chimneys shall be equipped with a spark arrester.

19 (g) If a dwelling is to be located on a parcel that is not within a fire protection
20 district, the applicant shall provide evidence that the applicant has asked to be
21 included in the nearest such district.

22 (h) If a dwelling is to be located on a lot or parcel that is not within a fire
23 protection district, either:

24 (A) The applicant shall provide evidence that residential fire protection is
25 provided to the property by contract and that such contracted service is comparable
26 to that generally provided by fire protection districts in the rural areas of the

1 county; or

2 (B) On site fire protection means are provided. Such means shall consist of:

3 (i) Fire sprinkling system or systems;

4 (ii) On-site water storage and pumping equipment. Such a water supply shall
5 consist of a swimming pool, pond, lake or similar body of water and at all times
6 contains at least 4,000 gallons or a stream with a minimum flow of one CFS. Road
7 access shall be provided to within 15 feet of the water's edge for fire fighting
8 equipment and shall provide a turnaround for fire fighting equipment; or

9 (iii) Other methods which provide at least a comparable level of protection
10 to that contained in subsubparagraphs (i) and (ii) of this subparagraph, and which
11 are reasonable given site conditions.

12 (8) Fire Safety Design Standards for Roads:

13 The following standards apply to all roads and driveways which access uses
14 permitted under subsection (1) of this section or approved under subsection (2) of
15 this section, except for private roads accessing only commercial forest uses:

16 (a) Width: Access roads serving three or fewer dwellings shall have a 12 foot
17 improved width and a 20 foot horizontal clearance. Access roads serving more than
18 three dwellings shall have a 16 foot improved width and a 20 foot horizontal
19 clearance.

20 (b) Construction: Access roads must be improved with an all weather
21 surface. Roads, bridges and culverts shall be designed and maintained to support
22 a minimum gross vehicle weight (GVW) of 50,000 pounds. If bridges or culverts are
23 involved in the construction of a road or driveway, written verification of compliance
24 with the 50,000 pound GVW standard shall be provided by a professional engineer,
25 registered in Oregon.

26 (c) Vertical Clearance: Access roads shall have an unobstructed vertical

1 clearance of not less than 13.5 feet.

2 (d) Turnarounds: Dead end roads over 150 feet in length shall provide a
3 turnaround adequate for emergency vehicles.

4 (e) Turnouts: Access roads greater than 400 feet in length shall have turnouts
5 at a maximum spacing of one-half the length of the access road or 400 feet,
6 whichever is less. Turnouts shall be required more frequently where visibility is
7 limited. Turnouts shall be an all weather surface at least 10 feet wide and 40 feet
8 long.

9 (f) Road Grade: Road grades shall not exceed 12 percent, except that a
10 maximum of 15 percent may be permitted on pitches less than 200 feet long.
11 Variations from these standards may be granted by the fire service having
12 responsibility for the area when topographic conditions make these standards
13 impractical and where the local fire protection district states that their fire fighting
14 equipment can negotiate the proposed road grades.

15 (g) The applicant shall provide an as-built certification stamped by a licensed
16 professional engineer registered in the State of Oregon verifying that road safety
17 design standards set forth in this section have been met.

18 (9) Dimensional Standards:

19 (a) The front yard shall be a minimum of 20 feet.

20 (b) Each side yard shall be a minimum of five feet, or one foot for each three
21 feet of building height, whichever is greater.

22 (c) The rear yard shall be a minimum of 10 feet, except for that on a corner
23 lot the rear yard shall be a minimum of either five feet, or one foot for each three
24 feet of building height, whichever is greater.

25 (d) No structure shall be located closer than 30 feet from the right of way of
26 any state highway, and no structure shall be located closer than 30 feet from the

1 right of way of any arterial or collector street which has a right of way width of less
2 than 60 feet.

3 (e) No dwelling or residential accessory structure shall exceed a height of 30
4 feet.

5 **SECTION 5.**

6 LCC 1.1620 is amended to read:

7 **1.1620 Time Limit on a Conditional Use Approval**

8 *[Approval of a conditional use shall be void after one year or such lesser time as*
9 *the approval may specify unless substantial construction pursuant thereto has taken place.*
10 *However, the Planning Commission or, upon authorization, the Planning Division, may*
11 *extend authorization for an additional period on request.]*

12 (1) Approval of a conditional use shall be void two years after the effective
13 date of the decision if the authorized development action is not initiated in that
14 period. As used in this subsection, "initiated" means that on-site sewage disposal
15 construction permits, building permits or other necessary approvals have been
16 secured and exercised or maintained valid or, if no such approvals are required, that
17 the authorized use has been established.

18 (2) The division may grant one extension period of up to 12 months if:

19 (a) The applicant submits a written request for an extension of time in which
20 to initiate the development;

21 (b) The request is received by the division prior to the expiration of the
22 approval period;

23 (c) The applicant states the reasons that prevented the commencing or
24 continuation of development within the approval period; and

25 (d) The division determines that the applicant was unable to begin or continue
26 development during the approval period for reasons for which the applicant was not

27 -- ORDINANCE #

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted;
new sections are in boldfaced type.

1 responsible.

2 (3) Additional 12 month extensions in conformance with the above standards
3 may be authorized by the division where the applicable criteria for the decision have
4 not changed.

5 (4) The granting of an extension pursuant to this section is an administrative
6 decision, is not a land use decision as described in ORS 197.015, and is not subject
7 to appeal as a land use decision.

8 **SECTION 6.**

9 LCC 1.1630 is amended to read:

10 **1.1630 Standards and Procedures Governing Conditional Uses**

11 In addition to the standards of the zone in which the conditional use is located and
12 the other standards of this chapter, conditional uses shall meet the following standards:

13 (1) General standards:

14 In addition to the other applicable standards of this section, all conditional uses,
15 **except for dwellings authorized in the T-C and A-C zones**, shall comply with the
16 following requirements:

17 (a) The site under consideration is suitable for the proposed use considering:

18 (i) The size, design and operating characteristics of the use.

19 (ii) The adequacy of transportation access to the site.

20 (iii) The natural and physical features of the site such as general topography,
21 natural hazards, natural resource values, and other features.

22 (b) The proposed use is compatible with existing and projected uses on
23 surrounding lands, considering the factors in paragraph (a) of this subsection.

24 (2) Standards for motels, hotels, lodges and resorts:

25 (a) The minimum lot area per guest unit shall be 1500 square feet if the property
26 is served by both a public or community water supply system and sewage disposal

1 system.

2 (b) The minimum lot area per guest unit shall be 2500 square feet if the property
3 is served by a public or community water supply system but not a public or community
4 sewage disposal system.

5 (c) The minimum lot area per guest unit shall be 12,000 square feet if the property
6 is not served by a public or community water supply system.

7 (3) Special setback requirements:

8 (a) Buildings and pens, which are a part of kennels and animal hospitals, and
9 active recreation use areas which are a part of outdoor commercial amusement or recrea-
10 tion establishments shall be located no closer than 75 feet from a residential zone, street
11 or highway.

12 (b) Clubs, lodges, or fraternal organizations in an R-4 zone, and community
13 swimming pools and buildings housing recreational facilities in a residential zone, shall
14 be located no closer than 30 feet from any other lot in a residential zone.

15 (4) Standards for public utility facilities, such as electric substation or transformer,
16 public or community domestic water supply reservoir or pumping station, public or
17 community sewage disposal plant or pumping station, radio or television tower or
18 transmitter, or governmental structure or use of land:

19 (a) In a residential zone, all equipment and material storage shall be within an en-
20 closed building.

21 (b) Workshops shall not be permitted in a residential, C-1 or C-T zone.

22 (c) Public utility facilities shall be screened where practical and provided with
23 landscaping.

24 (d) The minimum lot size requirement may be waived on finding that the waiver
25 will not result in noise or other detrimental effect to adjacent or nearby property.

26 (5) Standards for recreational vehicles located on individual lots:

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(a) Approval of such will not set a trend or encourage a pattern of development incompatible with surrounding area development.

(b) The lot must be served by a water system and a sewerage disposal system approved by the County Sanitarian.

(c) The recreational vehicle may be required to be surrounded by a sight-obscuring fence to a height of six feet above ground.

(d) A time limit not to exceed five years shall be established, after which time reapplication for conditional use permit approval shall be required.

(e) Upon compliance with the above and any additional conditions which the Planning Division or Planning Commission feels necessary to insure compatibility with surrounding area development, a building permit/mobile home placement permit must be obtained.

(6) Standards for home occupation:

(a) The home occupation shall be secondary to the main use of the property as a residence.

(b) The home occupation shall be limited to either an accessory structure or to not over 25 percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over 600 square feet of floor area.

(c) No person other than members of the immediate family residing in the dwelling is to be engaged in the home occupation.

(d) No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding 12 square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, placed in a window of the building or, if detached from the building, shall not be located in a required front or street side yard.

1 (e) No on-site sale of stock or commodities kept or purchased for sale which are
2 not produced on the premises shall be allowed.

3 (f) The home occupation shall not interfere with the existing uses on the property
4 on which it is located, or on nearby land; or with other uses which are permitted in the
5 zone in which the property is located or other uses which are permitted in other zones
6 adjacent to the property on which the home occupation is located.

7 (g) No materials or commodities shall be delivered to or from the residence which
8 are of such bulk or quantity as to create undesirable traffic or congestion.

9 (h) No parking of customer's vehicles in a manner or frequency so as to cause
10 disturbance or inconvenience to residents or so as to necessitate off-street parking shall
11 be allowed.

12 (i) Every twelve months following the date of approval, the Planning Division
13 shall review all home occupations approved after October 4, 1983, and shall continue the
14 permit provided the home occupation continues to comply with the conditions of
15 approval.

16 (j) Nothing in this section shall authorize the permitting of construction of any
17 structure that would not otherwise be allowed in the zone in which the home occupation
18 is to be, or is established.

19 (k) The existence of home occupations shall not be used as justification for a zone
20 change.

21 (7) Standards for mobile home parks:

22 A mobile home park may be permitted as a conditional use when it meets the
23 requirements of the Oregon Department of Commerce (OAR chapter 814) and the
24 following additional standards of Lincoln County:

25 (a) Mobile home parks shall have:

26 (A) A minimum size of one acre.

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- (B) A minimum number of four spaces.
- (b) Mobile home spaces shall have:
 - (A) A minimum length of 40 feet.
 - (B) A minimum width of 30 feet.
 - (C) A maximum coverage of 75 percent.
 - (D) A minimum of two parking spaces.
 - (E) Clearly-defined boundaries marked by a fence, planting, or other suitable means.
 - (F) Electricity, potable water, and an approved means of sewage disposal.
- (c) Mobile homes shall have the following setbacks:
 - (A) A minimum distance of 25 feet from public street rights-of-way.
 - (B) A minimum distance of 10 feet from all non-street property lines.
 - (C) A minimum distance of 10 feet from community or service buildings.
 - (D) A minimum distance of 20 feet from other mobile homes.
 - (d) Accessory buildings or structures, including community and service buildings, carports, cabanas, and ramadas, but excluding signs and fences, shall be at least 25 feet from public street rights-of-way.
 - (e) Streets within mobile home parks shall have:
 - (A) A minimum width of 20 feet if parking is prohibited and 30 feet if parking is permitted on one side.
 - (B) Well-drained, durable and dustless surfaces improved to minimum public road standards, or other approved surface and maintained in good condition.
 - (C) Direct access to a public street.
 - (D) Illumination of not less than one foot candle.
 - (f) Walkways not less than three feet wide and illumination of not less than one foot candles may be required to provide pedestrian access from mobile home spaces to

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community and service buildings. All walkways shall be well drained and have durable and dustless surfaces.

(g) Play areas shall be required in parks where mobile home spaces are less than 4000 square feet and children under 14 are permitted. Play areas shall have at least 100 square feet per mobile home spaces, but regardless of the number of mobile home spaces, shall be no less than 2500 square feet. Play areas shall be restricted to that use and protected from all streets, driveways, and parking areas by a fence, or the equivalent thereof, at least 30 inches in height.

(h) Screening consisting of a sight-obscuring fence, buffer strip of vegetation, or both, may be required along all property lines.

(i) Occupants of a mobile home park shall be provided with receptacles for garbage.

(j) Mobile home parks proposed to be located within urban growth boundaries shall be required to conform to all ordinance standards of the adjoining city.

(8) Standards for recreational vehicle parks:

A recreational vehicle park may be permitted as a conditional use when it meets the requirements of ORS chapter 446 and the Administrative Rules of the State of Oregon, OAR chapter 333. In addition, the following minimum standards shall apply:

- (a) Minimum size of R.V. park: One acre.
- (b) Minimum width of R.V. space: 30 feet.
- (c) Minimum length of R.V. space: 40 feet.
- (d) Minimum distance between R.V. and street right-of-way: 10 feet.
- (e) Minimum distance between R.V. and all other property lines: Five feet.
- (f) Minimum distance between R.V.'s: 15 feet.
- (g) Minimum distance between R.V. and community or service buildings: 10 feet.
- (h) Each access road connecting with a public street shall have a surface width of

1 at least 30 feet for a distance of 40 feet as measured from the intersection of the public
2 road. All other roads shall have a surface width of at least 20 feet. All access roads and
3 parking areas and walkways shall be surfaced to minimum County road standards and
4 well drained. Walkways not less than three feet wide may be required to be provided
5 from trailer spaces to community and service buildings. All access roads and walkways
6 shall be well lighted.

7 (i) Developed recreation areas shall be provided which contain a minimum of
8 2,500 square feet or 200 square feet per R.V. space, whichever requirement is the greater.

9 (j) All areas not used for R.V. spaces, motor vehicle parking, traffic circulation,
10 or service or community buildings shall be completely and permanently landscaped. The
11 landscaping shall be maintained in good condition.

12 (k) A sight-obscuring fence, buffer strip of vegetation, or both, may be required
13 on every side of a R.V. park.

14 (9) Standards for auto wrecking yard or junk yard:

15 (a) The auto wrecking yard or junk yard shall be fully enclosed by a
16 sight-obscuring fence, free of advertising, maintained in good condition, not less than six
17 feet in height, and of a design approved by the Planning Director.

18 (b) All automobiles, wrecked or otherwise, shall be kept inside the fenced area at
19 all times, except that vehicles belonging to customers may be parked outside the fence
20 while at the establishment or business.

21 (c) All sales, display, storage, repair, or other handling of products, merchandise,
22 equipment, and other articles shall occur from within an enclosed building or from within
23 the fenced area.

24 (10) Standards for solid waste disposal site:

25 (a) Submitted plans and specifications shall contain sufficient information to allow
26 the county staff or Planning Commission to set standards pertaining to:

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(A) Appropriate use of the land.

(B) Setbacks from the property line.

(C) Location of vehicular access points and road development standards.

(D) Public safety considerations.

(b) If the solid waste disposal area is located less than 300 feet from a residential zone or a state highway, sight-obscuring screening shall be provided.

(c) All areas used for solid waste disposal shall be located no closer than 100 feet from a property line.

(d) The property shall be fenced to prevent blowing paper and debris and to control access to the property by pedestrians and vehicles.

(11) Standards for solid waste transfer stations:

(a) Solid waste transfer stations shall be fenced to prevent blowing paper and debris, and to control access.

(b) Site-obscuring screening shall be provided.

(c) Facilities and storage shall be located no closer than 30 feet from any property line.

(d) Hours of operation shall be established.

(e) Operation shall be conducted to prevent seepage, excess noise and odor.

(f) Submitted plans and specifications shall contain sufficient information to allow the county staff or Planning Commission to set standards pertaining to:

(A) Appropriate use of the land.

(B) Setbacks from the property line.

(C) Location of vehicular access points and road development standards.

(D) Public safety considerations.

(12) Standards for extraction and processing of rock, sand, gravel, or other earth products:

1 (a) Submitted plans and specifications shall contain sufficient information to allow
2 the county staff or Planning Commission to set standards pertaining to:

3 (A) The most appropriate use of the land.

4 (B) Setback from the property line.

5 (C) Location of vehicular access points.

6 (D) Protection of pedestrians and vehicles through the use of fencing.

7 (E) Prevention of the collection and stagnation of water at all stages of the
8 operation.

9 (F) Rehabilitation of the land upon termination of the operation.

10 (b) Any processing of earth products commonly associated with the excavation of
11 minerals, rocks, sand, or gravel, such as the use of crushing, sorting, or washing
12 equipment, shall not be permitted in commercial, residential or marine zones. In zones
13 where processing is permitted, it shall be located no closer than 200 feet from a lot in a
14 residential, commercial or marine zone.

15 (c) Mining equipment and access roads shall be constructed, maintained, and
16 operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust
17 which are injurious or substantially annoying to persons living in the vicinity or to crops
18 or livestock being raised in the vicinity.

19 (d) Asphalt plants, concrete products manufacture, cement plants, and similar uses
20 often associated with extraction of earth products shall not be permitted in conjunction
21 with extraction operations in a rural zone.

22 (13) Standards for uses involving wetland filling, dredging, draining, disposal of
23 dredging spoils, and similar activities, or construction of wharfs, bulkheads or similar
24 devices:

25 (a) In a Marine Waterway (M-W) Zone, all uses and activities shall be subject to
26 the standards set forth in the Lincoln County Estuary Management Plan, Ordinance #184.

1 (b) Evidence shall be provided that the applicant has complied with, or fully
2 intends to comply with, all standards of the Department of Environmental Quality, the
3 Division of State Lands and all other agencies having interests or ordinances applicable
4 to the property in question.

5 (c) The activity shall not represent a source of water pollution to any nearby tide-
6 lands, marshlands, rivers, streams, or other waterways used for the raising, production,
7 or preservation of marine life or other natural resources.

8 (d) Any filling or dredging activity shall not substantially alter the course of any
9 channel or the natural movement of any waters, result in increased flood hazards, or cause
10 the formation of appreciable bottom or sludge deposits deleterious to marine life.

11 (e) Any fill or dredging spoil area shall be deposited behind a watertight berm to
12 avoid any sloughing and to stabilize the area.

13 (f) If a fill is proposed of which any portion falls below mean higher high water
14 or mean high water plus six feet, whichever is highest, and which is adjacent to or having
15 potential access to a navigable waterway, the developer shall designate on the plan a
16 portion of the parcel to remain unfilled for possible off-channel moorage or similar use.
17 The size of the area to remain unfilled shall be determined on the basis of the need
18 generated by proposed or anticipated uses on the fill, and shall be not less than 20 percent
19 of that portion of the parcel lying below the highest above-mentioned elevation. The
20 location and design of the unfilled
21 portion shall be approved by Planning Division or Planning Commission.

22 (g) Applications for a permit for filling, dredging, or similar activities shall
23 include:

24 (A) The source of the applicant's right to fill or dredge.

25 (B) The purpose of the proposed operation.

26 (C) The legal description of the area where the operation will take place.

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(D) The depth to which dredging or filling is to take place and the proposed angle of slope.

(E) The manner in which material will be dredged or used for fill and the type of material to be used.

(F) The method to be used to stabilize the dredge or fill area.

(G) A map showing the plan of dredging or filling and the uses proposed for the area.

(H) The time when the project is scheduled to begin and to be completed.

(I) In taking action, the Planning Director, County staff or the Planning Commission may consult any state, federal, or local agency it feels appropriate for consultation and advice.

(14) Standards for uses involving construction, addition, or reconstruction of piers, docks, boathouses, or similar facilities:

(a) In a Marine Waterway (M-W) Zone, all uses and activities shall be subject to the standards set forth in the Lincoln County Estuary Management Plan, Ordinance #184.

(b) Evidence shall be provided that the applicant has complied with or fully intends to comply with all standards of the Department of Environmental Quality, the Division of State Lands and all other agencies having interests or ordinances applicable to the property in question.

(c) The facility or any use related to it shall not allow any water pollution to occur to any nearby tidelands, marshlands, rivers, streams, or other waterways used for the raising, production, or preservation of marine life or other natural resources.

(d) The facility shall not substantially alter the course of any channel or the natural movement of any waters or result in increased flood hazards, or the formation of appreciable bottom or sludge deposits deleterious to marine life and shall meet all of the following requirements:

1 (A) No dock, pier or similar facility shall extend into any watercourse more than
2 25 feet from ordinary low water line nor 50 feet from ordinary high water line, unless it
3 can be shown that such extension is necessary and will not increase flood hazards or
4 create other problems such as the deterioration or destruction of marine life or wildlife
5 habitat as a result of the extension.

6 (B) No dock, pier or similar facility shall extend into the navigable channel any
7 distance greater than required for safe moorage and shall be designed so as to minimize
8 potential flood hazard and loss of navigable waterway area.

9 (C) No pier, dock or similar facility shall extend into any watercourse more than
10 five percent of the width thereof as measured perpendicular from the mean low water line
11 on one side of the watercourse to the mean low water line on the opposite side.

12 (e) No plumbing facilities for the handling of domestic or industrial waste shall
13 be a part of the facility unless approved by the Health Department.

14 (f) Application for a permit for a pier, dock, bulkhead, boathouse, or similar
15 facility shall include:

16 (A) The source of the applicant's right to construct the facility.

17 (B) The purpose of the facility.

18 (C) The legal description of the area where the facility will be located.

19 (D) A map and drawings, showing the plan for construction of the facility. Such
20 plan shall include a vicinity map drawn to scale showing location and design of similar
21 facilities and other development within 250 feet of the parcel upon which the
22 improvement is proposed.

23 (E) The time when the project is scheduled to begin and to be completed.

24 (g) Plans for moorage facilities shall meet
25 the following requirements:

26 (A) In new subdivisions tentatively approved after February 12, 1974, docks

1 having less than 10 moorage spaces will be approved only in the instance that no other
2 public or private means of launching or moorage is available or can be developed within
3 1000 feet of the site in question.

4 (B) Facilities being proposed in areas where it is likely that additional similar
5 structures will be desired shall be designed to be combined into joint facilities wherever
6 possible.

7 (C) The design of moorages must provide sheer logs or similar devices for fending
8 debris. Such improvements need not be maintained during periods where there is no
9 danger of flood water.

10 (D) Docks shall have the long dimension running parallel to the channel unless
11 future development will result in pier construction or moorages being connected,
12 necessitating facility design perpendicular to the channel.

13 (E) The width of those portions of such facilities dimension required to provide
14 safe access and moorage.

15 (F) One dock shall not be closer to another than the length of the shorter structure
16 or 25 feet whichever distance is greater.

17 (G) The number of ramps, fenders and other land connections, and the number of
18 piling and other projection below the surface of the water shall be minimized.

19 (H) Walkways shall be provided on only one side of individual moorages unless
20 it can be satisfactorily shown that walkways are necessary on both sides. Walkways and
21 breakwaters shall have a width not greater than required to provide safe moorage and
22 access thereto.

23 (h) Each dock, boathouse, or similar facility shall have the U.S. Army Corps of
24 Engineers permit number permanently affixed to the outboard side of the facility in a
25 clearly visible location prior to requesting final Planning Division inspection for
26 conditional use permit issuance.

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1 (i) No owner of a dock or similar facility shall exercise any proprietary rights on
2 the water surrounding such structure. Violations of such will be considered a failure to
3 maintain the Conditional Use approval requirements.

4 (j) Recognition of potential flood hazards as well as the need to protect the visual
5 attractiveness of the waterway shall be shown in design and exterior materials used in
6 construction of docks, piers, boathouses and similar facilities.

7 (k) In taking action on a Conditional Use request, the Planning Division or the
8 Planning Commission may consult any State, Federal or local agency it feels appropriate
9 for consultation and advice.

10 (15) Standards for outdoor recreation developments:

11 (a) Permanent residency shall be limited to caretakers, proprietors or other person-
12 nel required to operate the outdoor recreation development.

13 (b) All recreational vehicle spaces shall be screened from roadways, streams or
14 creeks by sight obscuring vegetation.

15 (c) Materials used in all improvements shall be of a nature compatible with the
16 surrounding area.

17 (d) Recreational vehicle spaces, camp or cabin sites shall have a maximum density
18 of four spaces or sites per acre.

19 (e) Outdoor recreation development areas devoted to spaces or sites shall not
20 exceed ten acres per development.

21 (f) Plans for water supply and sewage disposal improvements must be approved
22 by the State Health Division and the Department of Environmental Quality respectively
23 prior to the issuance of a building permit.

24 (g) The total number of a combination of the above accommodations shall not
25 exceed the allowable density of any of the accommodations developed independently.

26 (16) Standards for livestock:

1 (a) The minimum lot area requirement for the keeping of horses, cows, sheep,
2 goats or swine is 40,000 square feet.

3 (b) The minimum lot area requirement for the keeping of chickens, ducks, geese,
4 pigeons, and rabbits is 5,000 gross square feet.

5 (c) Adequate fencing to contain the animals is required and must be located no
6 closer than 100 feet from any other residence in other than RR1-2, RR-5, A-C or T-C
7 zones; for horses, cows, sheep, goats, or swine, and 25 feet from any other residence for
8 rabbits and fowl.

9 (d) The total number of animals, other than their young under the age of six
10 months, allowed on a lot or parcel shall be limited by the sum of the minimum square
11 footage requirement for each animal as listed below never to exceed the square footage
12 of the lot or parcel meeting the fencing requirements and which is fenced. The Planning
13 Division or Planning Commission for cause, such as soil factors, terrain, density or
14 surrounding residential properties, may require greater minimums for each animal. Net
15 land per animal:

16 (A) Horses or cows: One animal for the first 40,000 square feet, and one animal
17 per 15,000 square feet thereafter, except for supervised stables boarding horses for profit
18 within enclosed structures which shall provide land area requirement only for horses to
19 be kept in pastures.

20 (B) Sheep, goats, or swine: One animal for the first 20,000 square feet, and one
21 animal per 10,000 square feet thereafter.

22 (C) Rabbits: One per 10 square feet, caged.

23 (D) Fowl: One per 10 square feet, penned.

24 (e) Adequate animal shelters are required for horses, cows, goats, sheep or swine
25 and must be located no closer than 70 feet from the street, or attached to the part of the
26 dwelling opposite the street, and no closer than 70 feet from any other property line.

1 (f) Adequate animal shelters are required for fowl and rabbits and must be located
2 no closer than 40 feet from the street (or attached to the part of the dwelling opposite the
3 street).

4 (g) All animal feeds other than hay shall be stored in metal containers or other
5 rodent-proof containers.

6 (h) All animal wastes and carcasses must be taken care of in a manner so that a
7 health hazard does not exist.

8 (i) The Planning Division or Planning Commission may for cause restrict or permit
9 the type or sex of animal permitted.

10 (j) Conditional use applications should be for maximum allowable animals.

11 (17) All conditional uses within an A-C Zone shall be reviewed as required in
12 ORS chapter 215.

13 (18) Additional standards for uses in the South Beach I-P zone:

14 (a) Access to Highway 101 shall be conditioned on use of alternative road as
15 access when available and closure of Highway 101 access.

16 (b) Buildings shall be located such that alternative access is not precluded.

17 (c) Areas visible from Highway 101 shall have visual screening. Visual screening
18 shall include revegetation and may include sight-obscuring fence or berm.

19 (d) The applicant shall develop a drainage plan which is approved by the County
20 Engineer as part of a coordinated drainage plan.

21 (19) Standards for heliports:

22 (a) There shall be provisional approval from the Oregon Department of
23 Transportation, Aeronautics Division.

24 (b) Applicable noise standards of the Oregon Department of Environmental Quality
25 shall be met.

26 (20) Standards for mini-storage:

1 (a) The mini-storage operation design including signs, structure elevations,
2 painting, plot plan, and materials shall be submitted for review.

3 (b) Each individual space for rent or sale shall be less than 500 square feet.

4 (c) Mini-storage shall be limited to dead storage. Outside storage shall be limited
5 to boats, recreational vehicles, and similar vehicles placed within a designated dust-free
6 surfaced area surrounded by a sight-obscuring six foot fence.

7 (d) Yards shall be permanently landscaped and yard dimensions adjacent to
8 residential zones shall be the same as within the residential zone.

9 (e) One parking space for each 25 cubicles located at the project office shall be
10 required for use of prospective clients.

11 (f) All structures shall be fenced and be visually screened. Visual screening shall
12 include permanent re-vegetation which will grow to a height of five feet within four
13 years.

14 (g) The traffic lane shall be twelve feet wide, and have a ten foot parking lane
15 except where the traffic lane does not serve storage cubicles. All areas providing for
16 vehicle access, parking and movement shall be improved to minimum public road
17 standards.

18 (h) Change of use to another use such as retail sales or repair services shall require
19 reapplication and conformity to applicable state laws and ordinances.

20 (i) An on-site caretaker or 24-hour on-site manager may be permitted.

21 (j) There shall be only one access from each adjacent street.

22 (k) Outside lighting may be required for all structures.

23 (21) Standards for single-wide mobile homes in the R-1 zone:

24 (a) Approval of such shall not set a trend or encourage a pattern of growth
25 incompatible with surrounding area development.

26 (b) All placement and siting standards of Section 1.1440 shall be complied with.

1 (22) Standards for bed and breakfast inns:

2 (a) Bed and breakfast inns shall be restricted to single-family residences.

3 (b) No more than five sleeping rooms shall be available for the accommodation
4 of inn visitors.

5 (c) Occupancies shall be limited to no more than 15 days in any 30-day period.

6 (d) Breakfast shall be the only meal provided to inn guests.

7 (e) The exterior of the building shall maintain a residential appearance from all
8 aspects.

9 (f) No materials or commodities shall be delivered to or from the residence that
10 are of such a bulk or quantity as to create congestion.

11 (g) The bed and breakfast inn shall be operated in such a manner so as not to
12 cause unreasonable disturbance to area residents.

13 (h) Two off-street parking spaces shall be provided for owners or operators with
14 one additional space for each authorized guest room. Off-street parking shall be provided
15 in accordance with standards set forth in LCC 1.1415.

16 (23) Standards for parks and campgrounds in the A-C and T-C zones:

17 (a) Campgrounds shall be utilized for overnight temporary use for vacation,
18 recreational, or emergency purposes, but not for residential purposes. Camp sites
19 may be occupied by tents, travel trailers, or recreational vehicles.

20 (b) Campgrounds authorized in the T-C zone shall not include intensively
21 developed recreational uses such as swimming pools, tennis courts, or commercial
22 amusement uses or commercial services such as retail stores or gas stations.

23 (c) Individual camp sites may not include utility connections for recreational
24 vehicles or travel trailers. Central comfort stations and similar central facilities may
25 be permitted.

26 (d) Area devoted to park or campground development shall not exceed 10

1 acres per development.

2 (e) Developed camp sites shall not exceed 40 sites per development.

3 (24) Standards for personal use airports:

4 (a) Personal use airports or helipads shall be restricted, except for aircraft
5 emergencies, to use by the owner, by commercial aviation activities in conjunction
6 with agriculture, and infrequent and occasional use by invited guests.

7 (b) No aircraft may be based on a personal use airport other than those
8 owned or controlled by the owner of the facility.

9 (c) Exceptions to the limitations on permitted activities contained herein may
10 be allowed subject to a specific waiver action by the State Aeronautics Division
11 authorizing the activity.

12 (25) Standards for farm help dwellings:

13 (a) Farm help dwellings shall be located on the same lot or parcel as the
14 dwelling of the farm operator.

15 (b) Occupancy of farm help dwellings shall be limited to grandparents,
16 grandchildren, parents, children, brothers or sisters of the farm operator or the farm
17 operator's spouse.

18 (c) Farm help dwellings shall be occupied by persons whose assistance in the
19 management of the existing commercial farming operation is required by the farm
20 operator. As used in this paragraph, "farm operator" means the person primarily
21 and predominantly responsible for performing the work and making the day-to-day
22 decisions in the management of the farm operation.

23 (26) Standards for golf courses in the A-C zone:

24 (a) Golf courses in the A-C zone shall be limited to nine hole or 18 hole
25 regulation courses, or some combination thereof, consistent with the following:

26 (A) A regulation nine hole course is generally characterized by a site of about

1 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards and a par of
2 32 to 36 strokes.

3 (B) A regulation 18 hole course is generally characterized by a site of about
4 120 to 150 acres of land, has playable distance of 5,000 to 7,200 yards and a par of
5 64 to 73 strokes.

6 (b) Golf course facilities not meeting the provisions of paragraph (a) of this
7 subsection, including, but not limited to, executive courses, par three courses, pitch
8 and putt courses, miniature golf courses, driving ranges and similar facilities, are not
9 permitted in the A-C zone.

10 (c) Accessory uses to golf courses shall be limited to those either necessary for
11 the operation and maintenance of the course, or those which provide goods or
12 services customarily provided to golfers at a golf course. Accessory uses may include
13 parking, maintenance facilities, cart storage and repair, clubhouse, restrooms,
14 lockers and showers, food and beverage service, pro shop, and practice or driving
15 range. Accessory uses do not include sporting facilities unrelated to golf, such as
16 swimming pools, tennis courts, weight rooms, commercial uses oriented to persons
17 other than golf course patrons, or housing.

18 (d) Accessory uses shall be limited in size and orientation to serve the needs
19 of golf course patrons.

20 (e) Accessory uses which provide commercial services, such as food and
21 beverage service and pro shop, shall be located in the main clubhouse and not in a
22 separate building.

23 (27) Standards for primary processing of forest products in the A-C zone:

24 (a) Primary processing consists of the use of a portable chipper or stud mill
25 or similar methods of initial treatment of a forest product in order to enable its
26 shipment to market. As used in this paragraph, "forest product" means timber

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grown upon the tract where the processing facility is to be located.

(b) Processing facilities shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2).

(c) Processing facilities shall be portable and temporary in nature.

(d) Approvals for primary processing facilities shall authorize operation for a period of not more than one year. Such approvals may be extended for subsequent periods of not more than one year.

(28) Standards for medical hardship dwellings in A-C and T-C zones:

(a) Medical hardship dwellings may only be authorized in conjunction with an existing dwelling.

(b) Medical hardship dwellings shall be manufactured or mobile homes.

(c) A medical hardship dwelling may only be authorized based upon a hardship suffered by the resident of the subject property or a relative as defined in ORS 215.283.

(d) The hardship dwelling shall be connected to the same subsurface sewage disposal system as the primary dwelling, unless this system is found to be inadequate for such use by the On-Site Waste Management Division, or the dwelling can be connected to a public sewer.

(e) The existence of the medical hardship shall be confirmed on a yearly basis by a physician.

(f) Upon cessation of the medical hardship, the mobile or manufactured home shall be removed.

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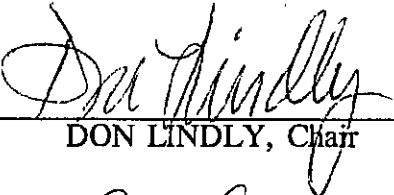
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SECTION 7.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 23 day of November, 1994.

LINCOLN COUNTY BOARD OF COMMISSIONERS



DON LINDLY, Chair



JEAN COWAN, Commissioner




NANCY E. LEONARD, Commissioner

ATTESTED TO:



SUSAN KAYS, Recorder

APPROVED AS TO FORM:



WAYNE BELMONT, County Counsel