

LAND MANAGEMENT DIVISION



DWELLINGS in the EXCLUSIVE FARM USE ZONE

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408
PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754

This handout outlines zoning and land use laws concerning new and existing dwellings in the Exclusive Farm Use Zone (EFU-RCP). This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations. Specific language is found in Lane Code 16.212, Oregon Revised Statutes (ORS) 215, and Oregon Administrative Rules (OAR) 660-33.

The purpose of the Exclusive Farm Use Zone (EFU-RCP) is, in part, to preserve open land for agricultural use and to maximize the amount of agricultural land in large blocks. The zone also tries to substantially limit the expansion of urban development into rural areas. This handout summarizes the regulations applicable to dwellings in this zone.

The following dwellings are allowed in the Exclusive Farm Use Zone, regardless of soil class, subject to the provisions of LC 16.212(5).

LC 16.212(5)(a) & (b): Lawfully Established Dwelling

This allows the alteration, restoration, or replacement of a lawfully established dwelling. The existing dwelling must be considered 'lawfully established'. 'Lawfully established' means the dwelling was built and placed on the land consistent with the laws and regulations applicable at the time the structure was first used as a dwelling. To be considered a dwelling, the structure must have intact exterior walls and roof structure, indoor plumbing, interior wiring for lights and a heating system.

There are two location options for replacement dwellings:

- 1) 'same site' or
- 2) new site.

The term "same site" is defined as a square, with dimensions of 200 feet, which is centered on the footprint of the established dwelling. To qualify as 'same site', the replacement dwelling must be located partially or entirely within the 'same site' area.

Administrative review (no notice) is allowed if a building permit or tax records are used to show the existing dwelling was lawfully established and the proposed dwelling is located in the 'same site'.

Director review is required if other evidence is used or the proposed dwelling is located outside of the 'same site' (aka new site). **Notice is required** for this review.

Within one year after the new dwelling is ready for occupancy, the previous dwelling must be removed from the property, demolished or converted to an allowed use. A building permit is required for any of these options.

LC 16.212(5)(c): Relative Farm Help Dwelling

This allows a second dwelling on a farm. Director approval is required. The dwelling must be located on the same lot or

parcel as the main dwelling and must be occupied by a family member who works on the farm.

LC 16.212(5)(d): Temporary Medical Hardship Dwelling

This allows the temporary placement of a manufactured home or recreational vehicle for a medical hardship or to care for a family member. Director approval is required. The temporary dwelling must connect to the existing septic system. Approval is valid until December 31 of the following year and can be renewed for two years at a time. Once the hardship ceases, the temporary dwelling must be removed within 90 days.

LC 16.212(5)(e): Historic Farm Dwelling

This allows replacement of a historic farm home without removal or alteration of the historic farm dwelling. Director approval is required. The lot or parcel must be used as a farm and the home must be listed on the National Register of Historic places. The occupant of the replacement dwelling must be a person who works on the farm.

The following dwellings are allowed on high-value farmland, subject to the provisions contained in LC 16.212(6). Director approval is required. Approval is valid for four years with an optional two-year extension.

LC 16.212(6)(a): Farm Use Dwelling

This allows a new dwelling on a farm. The farm must have generated \$80,000 in gross annual income in the last two years or in three of the last five years. There cannot be any other dwellings on the lot or parcel. The dwelling must be occupied by a person who works on the farm.

LC 16.212(6)(b): Accessory Farm Dwelling

This allows a second dwelling on a farm. The farm must have generated \$80,000 in gross annual income in the last two years or in three of the last 5 years. For a commercial dairy, an approved permit from the Oregon Department of Agriculture is required. The dwelling must be occupied by a person who works on the farm or dairy. The lot or parcel cannot contain any vacant dwellings or other dwellings with occupants not associated with farm/dairy operations. The second dwelling must be located on the same lot or parcel as the main dwelling. Refer to LC 16.212(6)(b)(ii) for exceptions to this requirement. (more on reverse side)

LC 16.212(6)(c): Nonfarm Dwelling East of Coast Range

This allows a new dwelling not associated with a farm or dairy. The lot or parcel must be east of the coast range and predominantly composed of irrigated Class IV – VII soils. The lot or parcel must have been created prior to January 1, 1993. The new dwelling must not alter the stability of the overall land use pattern in the area. The Director may add site specific conditions as necessary.

LC 16.212(6)(d): Nonfarm Dwelling West of Coast Range

This allows a new dwelling not associated with a farm or dairy. The lot or parcel must be west of the coast range and on land unsuitable for farm crops, livestock or merchantable trees. The new dwelling must not alter the stability of the overall land use pattern in the area. The Director may add site specific conditions as necessary.

LC 16.212(6)(e): Commercial Dairy Dwelling

This allows a new dwelling associated with a dairy. The lot or parcel cannot contain any other dwellings. The dairy must produce at least \$80,000 a year from the sale of fluid milk. The dwelling must be occupied by a principle dairy worker and be located on the same lot or parcel as the dairy structures. All required building permits must have been obtained for the dairy structures. The Oregon Department of Agriculture must have issued a permit for the operation of the commercial dairy.

The following dwellings are allowed on low-value farmland, subject to the provisions contained in LC 16.212(7). Director approval is required.

LC 16.212(7)(a): 160-Acre Parcel Farm Dwelling

This allows a new dwelling on a farm. The parcel must be used as a farm, contain at least 160 acres, and not contain any other dwellings. The dwelling must be occupied by a person principally engaged in farm work on the parcel.

LC 16.212(7)(b): Farm Dwelling

This allows a new dwelling on a farm. The farm must have generated \$32,500 in gross annual income in the last two years or three of the last five years. The lot or parcel cannot contain any other dwellings and must be at least 10 acres in size. The dwelling must be occupied by a person principally engaged in farm activities on the lot or parcel.

LC 16.212(7)(c): Farm/Woodlot Dwelling

This allows a new dwelling on a lot or parcel that is managed for agriculture or forest products. The lot or parcel must be managed as a farm or woodlot, contain at least 20 acres, and not contain any other dwellings. The lot or parcel must not be smaller than the average farm or woodlot in Lane County that produces \$2,500 in annual gross income from crops, livestock or forest products.

LC 16.212(7)(d): Farm/Woodlot Dwelling (small property)

This allows a new dwelling on a lot or parcel that is managed for agriculture or forest products that contains less than 20 acres. The farm operation must have produced at least \$20,000 in gross annual income in two consecutive years out of three, or be planted in perennials capable of producing, upon harvest, \$20,000 in gross annual income.

LC 16.212(7)(e): Accessory Farm Dwelling

This allows a second dwelling on a farm. The second dwelling must be occupied by a person principally engaged in the farm use. It must be located on the same lot or parcel as the main dwelling (refer to LC 16.212(7)(e) for specific language and exceptions). The lot or parcel cannot contain any other dwellings except the main dwelling.

LC 16.212(7)(f): Nonfarm Dwelling

This allows a dwelling that is not associated with a farm or dairy. The lot or parcel must be predominantly composed of Class IV – VIII soils. The dwelling must be located upon land unsuitable for farm crops or livestock. The Director may add site specific conditions as necessary. Approval is valid for four years with an optional two-year extension.

LC 16.212(7)(g): Nonfarm Dwelling (3 acres)

This allows a new dwelling on a lot or parcel that contains no more than three acres. The lot or parcel must have been created between January 1, 1948 and July 1, 1983 (refer to LC 16.212(7)(g)(iii) for specific language and exceptions), and not contain any other dwellings. The Director may add site specific conditions as necessary. Approval is valid for four years with an optional two-year extension.

LC 16.212(7)(h): Commercial Dairy Dwelling

This allows a new dwelling on a lot or parcel that contains a commercial dairy. The lot or parcel cannot contain any other dwellings. The commercial dairy must earn \$32,500 annually from the sale of fluid milk. The dwelling must be occupied by a principle dairy worker and be located on the same lot or parcel as the dairy structures. All required building permits must have been obtained for the dairy structures. The Oregon Department of Agriculture must have issued a permit for the operation of the commercial dairy.

Related Handouts

Legal Lot Determination

Planning Director Approval

Submittal Standards