



## LAND MANAGEMENT DIVISION

# DWELLINGS in the EXCLUSIVE FARM USE (EFU) 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.

Lane Code 16.212(2)(f) is the definition of High Value Farmland. Whether a property is predominately comprised of high value soils or not is a major factor in determining what type of dwelling a property may qualify for.

### REPLACEMENT DWELLINGS:

**House Bill 2192 (2023) and LC 16.212(3)-2.7 Alteration, restoration, or replacement of a lawfully established dwelling.** The 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 or formerly had within three years of application filing intact exterior walls and roof structure, indoor plumbing connected to a sanitary waste system, interior wiring for lights, and a heating system.

There are two location options for replacement dwellings on the same lot or parcel:

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

The term "same site" is defined as a square, with dimensions of 200 feet, 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.

**Type I Review (no notice)** is generally allowed if a building permit or tax records are used to show the dwelling was lawfully established and currently meets structural habitability requirements for a dwelling, and the proposed dwelling is located in the 'same site'.

**Type II Review** is required if other evidence is used or the proposed dwelling is located outside of the 'same site' (aka new site) or if the dwelling does not currently meet structural habitability requirements. Type II review is also required if the owner proposes to convert the existing dwelling to a non-residential use. **Mailed public notice is required** for this review.

Within three months after the new dwelling is complete (certificate of occupancy), the previous dwelling must be removed from the property, demolished or converted to an allowed nonresidential use. Necessary building permits must be obtained.

### LC 16.212(3)-2.8: Replacement Historic Farm Dwelling

This allows replacement of a historic farm home without removal or alteration of the historic farm dwelling. Type II Review 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.

### FARM DWELLINGS: LC 16.212(3)-2.1 & 2.2

#### Large Tract Farm Dwelling

This allows a new dwelling for a farm on non-high value land. Type II Review is required.

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.

#### Farm Dwelling

This allows a new dwelling on a farm. Type II Review is required.

Depending on soil type, the farm must have generated \$80,000 or \$34,500 in gross annual income from the sale of farm products in the last two years, or in three of the last five years, or an average of three of the last five years. The lot or parcel cannot contain any other dwellings. The dwelling must be occupied by a person principally engaged in farm activities on the lot or parcel.

#### Farm/Woodlot Dwelling (non-high value soils)

This allows a new dwelling on a lot or parcel that is managed for agriculture or forest products. Type II Review is required.

(i) 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. OR

(ii) A new dwelling on a lot or parcel that is managed for agriculture or forest products that contains less than 20 acres and is smaller than required above. 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.

#### **ACCESSORY DWELLINGS:**

##### **LC 16.212(3)-2.3: Relative Farm Help Dwelling**

This allows a second dwelling on a farm. Type II Review 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(3)-2.4: Accessory Farm Dwelling**

This allows a second dwelling on a farm. Type II Review is required.

The second dwelling must be occupied by a person principally engaged in the farm use. Depending on soil type, the farm must have generated \$80,000 or \$34,500 in gross annual income from the sale of farm products in the last two years, or in three of the last five years, or an average of three of the last five years. There are some exceptions to these criteria, please see the code language for exact wording.

##### **LC 16.212(3)-2.9: Temporary Hardship Dwelling**

This allows the temporary placement of a manufactured home or recreational vehicle or conversion of an existing building to a dwelling unit for a medical hardship or to care for an elderly family member. Type II Review 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 with necessary building permits.

#### **NON-FARM DWELLINGS:**

##### **LC 16.212(3)-2.5: Nonfarm Dwelling East of Coast Range**

This allows a new dwelling not associated with a farm or dairy. Type II Review is required.

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(3)-2.5: Nonfarm Dwelling West of Coast Range**

This allows a new dwelling not associated with a farm or dairy. Type II Review is required.

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(3)-2.6: Nonfarm Dwelling**

This allows a dwelling that is not associated with a farm or dairy. Type II Review is required.

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(3)-2.6: Nonfarm Dwelling (3 acres)**

This allows a new dwelling on a lot or parcel that contains no more than three acres. Type II Review is required.

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.

#### **OTHER RESIDENTIAL STRUCTURES:**

##### **LC 16.212(3)-2.10: Residential Home in Existing Dwelling**

##### **LC 16.212(3)-2.11: Room and Board Arrangements for a Maximum of 5 Unrelated Persons in Existing Residence.**