



AGENDA COVER MEMORANDUM

Memorandum Date: December 24, 2024
First Reading Date: January 14, 2025
Second Reading/Public Hearing: January 28, 2025

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works, Land Management Division, Planning Department

PRESENTED BY: Rachel Serslev, Senior Planner

AGENDA TITLE: ORDINANCE NO. 25-01 / In the Matter of Amending Lane Code 16.290 to Incorporate an Allowance for Rental Recreational Vehicles in the Rural Residential Zone as Allowed by Senate Bill 1013 and ORS 215.490; and Adopting a Savings and Severability Clause (File No. 509-PA24-05600).

I. MOTION:

1. January 14, 2025 (1st Reading):

MOVE TO APPROVE THE FIRST READING OF ORDINANCE NO. 25-01, AND TO SET THE SECOND READING AND PUBLIC HEARING FOR JANUARY 28, 2025 (AT 11 AM DATE AND TIME CERTAIN).

2. January 28, 2025 (2nd Reading/Public Hearing):

1) MOVE TO APPROVE THE SECOND READING AND ADOPT ORDINANCE NO. 25-01 AS PRESENTED;

OR

2) MOVE TO APPROVE THE SECOND READING, SET A THIRD READING, CLOSE THE PUBLIC HEARING, AND CONTINUE DELIBERATIONS TO A DATE CERTAIN;

OR

3) MOVE TO APPROVE THE SECOND READING, SET A THIRD READING AND CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN AT 1:30 PM, AND DIRECT STAFF TO REVISE ORDINANCE NO. 25-01 AS DIRECTED BY THE BOARD (SUMMARIZE REVISIONS).

II. AGENDA ITEM SUMMARY:

The proposal before the Board of County Commissioners (the Board) is an amendment to Lane Code 16.290, initiated by the Land Management Division (LMD) in response to the passing of Senate Bill (SB) 1013, which allows recreational vehicles (RVs) as rental dwelling units in rural areas, subject to certain criteria.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

SB 1013 and Oregon Revised Statute (ORS) 215.490 allows RVs in rural residential zoned areas to be occupied as dwellings, subject to certain conditions. The bill was passed on July 23, 2023, and became effective on January 1, 2024.

On September 17, 2024, staff went before the Board of County Commissioners (the Board) to receive policy direction on implementation of the bill. At that work session, staff presented several policy questions regarding specific standards for allowing rental RVs and sought direction for the future code amendment project. Generally, the policy questions focused on ensuring the health and safety of those residing in the rental RVs and compatibility between rental RVs and other uses. The Board supported all suggestions by staff and gave guidance on other optional standards. Therefore, staff moved forward with drafting Lane Code (LC) amendments and scheduling a public hearing with the Lane County Planning Commission (LCPC).

Below is a timeline of the outreach and noticing conducted for the proposed LC 16.290 amendments:

- On October 14, 2024, notice of the proposed change was provided to the Department of Land Conservation and Development (DLCD).
- On October 22, 2024, the proposed draft code was published online.
- On October 29, 2024, notice of public hearing was published in the Register Guard and sent to interested parties.
- On November 19, 2024, a work session and public hearing was held with the LCPC. On that date, the LCPC unanimously moved to close the public hearing and deliberated on the proposed amendments. The LCPC supported the amendments as written and the motion to forward a recommendation of approval to the Board passed with a vote of 7-1-0. The motion document is provided as **Attachment 2**.
- On December 9, 2024, the notice provided to DLCD on October 14, 2024, was updated with a current draft of the code, which included one minor change to the proposed language.
- On January 8, 2025, notice of the Board public hearing was published in the Register Guard and mailed to parties of record and interested parties 20 days prior to the hearing, in accordance with Lane Code Chapter 14.

B. Policy Issues

Any policy considerations are discussed below under **III. F - Analysis**.

C. Board Goals

Approval of Ordinance No. 25-01 supports Lane County's Strategic Priority number two, Vibrant Communities. Objective A, to increase housing affordability, diversity and supply serving Lane County's residents to address the housing crisis, is closely related to the rental RV code amendments. By adopting the proposed Ordinance, the Board is authorizing the establishment of rental RVs on qualifying parcels in Lane County. Allowing rental RVs has the potential to increase housing options and affordability throughout the County. Notably, the bill specifies that the RVs may not be used for vacation occupancy, meaning they would be used as primary residences.

D. Financial and/or Resource Considerations

Sufficient resources have been made available as part of LMD's long range planning program to complete this effort in the timeliest manner possible.

E. Health Implications

Discussions regarding the need for additional dwelling units are often related to housing shortages and affordability. Housing issues are closely linked to community health because of the positive effect that available and affordable housing has on human health and well-being. Rental RVs have the potential to provide an additional type of available housing in Lane County, which could help address issues with housing stock and affordability.

In a previous work session on September 17, 2024, the Board directed staff to draft code in a way that takes full advantage of the allowances of SB 1013, making it as easy as possible for property owners to establish a rental RV, while also ensuring public health and safety for those utilizing the rental RV. If the Board chooses to adopt the proposed Ordinance and allow rental RVs in Lane County, the Board will be supporting housing availability, affordability and the health and well-being of Lane County residents.

F. Analysis

SB 1013 authorizes counties to allow the owner of a lot or parcel in a rural area to site one RV used for residential purposes on their property. "Rural area" is defined by the bill as areas zoned for rural residential use as defined in ORS 215.501 or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use. ORS 215.501 defines areas zoned for rural residential use as "land that is not located inside an urban growth boundary as defined in ORS 195.060 (Definitions) and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use." The zoning designation in Lane County for these lands is LC 16.290 Rural Residential (RR1, RR2, RR5 and RR10), designated by the Rural Comprehensive Plan (RCP). Regarding the latter half of the "rural area" definition, Lane County does not have any lands within the urban growth boundary of a metropolitan service district, so that provision is inapplicable.

Rental RVs are subject to several criteria, as specified by the bill. The minimum criteria are:

- The RV cannot be used for vacation occupancy, pursuant to ORS 90.100(51), meaning the stay must exceed 45 days. Staff have not identified a statutory maximum time-limit.
- A single-family dwelling must exist on the property and must be the primary residence of the property owner. No other dwelling units may exist on the property.
- The property may not be in an urban reserves area.
- No portion of the single-family dwelling may be rented as a residential tenancy.
- The RV must be owned or leased by the tenant.
- The property owner must provide essential services (sewage disposal, water, electric, and if required by applicable law, a drainage system) to the RV space.

SB 1013 provides counties the option to implement the following standards:

- Require the RV be registered with the County.
- Require that the owner of the property and the tenant enter into a written residential rental agreement.
- Limit the amount of payments that the property owner may accept from the tenant to those reasonably necessary to cover the owner's costs or losses.
- Require that the RV comply with any reasonable appearance, repair, inspection or siting standards.

The Board provided policy direction on the optional standards provided by the bill and the draft code was written following that direction. Generally, the Board supported a requirement that the property owner and tenant have a rental agreement and did not support limiting the amount of rent for the RV. The Board also supported some additional standards to address appearance, repair, inspection, and siting. These additional standards are discussed below.

While not explicitly required in the SB 1013, staff suggested, and the Board supported, including a setback requirement of 10 feet between the rental RV and dwelling on the property. Per the Oregon Structural Specialty Code (OSSC), structures with residential occupancy are required to have fire separation of 10 feet to forego fire-resistance ratings (a fire wall), which would be infeasible to install for an RV. Therefore, this requirement has been included in the draft code to meet fire separation standards and ensure fire safety of the residential units.

Furthermore, staff has included in the draft code amendments a requirement that the rental RV be located on a graveled or paved parking area. This is not a standard required by SB 1013, but staff understands that it is a best practice considering building codes. Having a paved or graveled parking area provides a stable and level location for long-term placement of the RV, reduces the likelihood of erosion concerns, and may limit leakage from the RV from

permeating into the soil or groundwater. The Board supported including this requirement in the draft code.

Lastly, SB 1013 does not require a land use application for approval of a rental RV on a property. The Board supported pursuing a streamlined process for permitting rental RVs. As drafted, this is proposed to be an outright permitted use that can be reviewed for compliance with the applicable standards “over the counter,” without need for a land use permit, in conjunction with building permit. Building permits will be necessary for installation of a pedestal for electric service and sanitation/plumbing permits required for the RV to be hooked into a septic system and to have a water line.

The LCPC reviewed the draft code and supported the policy direction provided by the Board that informed the draft code.

Policy Direction:

SB 1013 outlines several criteria that the County may implement. These options were put before the Board as policy questions to inform the drafting of code to implement SB 1013. The Board provided the following direction and staff drafted the code in alignment with this direction. The LCPC supported the direction by the Board and draft code as written.

SB 1013 Optional Standards	Purpose	Board/LCPC Policy Direction
Require the rental RV use be registered with the County.	To track the rental RVs in addition to the building permits that will be required.	Not supported
Require that the owner of the property and the tenant enter into a written residential rental agreement.	To ensure that the property owner and then tenant have agreed upon all aspects of the rental.	Supported
Limit the amount of payments that the property owner may accept under ORS 90.140 ¹ from the tenant to those reasonably necessary to cover the owner’s costs or losses.	If the Board desires rent control for the rental RVs. What monetary amount reasonably covers the owners’ costs/losses?	Not supported
Require that the rental RV comply with any reasonable appearance, repair, inspection or siting standards.	A variety of criteria could be adopted. <i>See discussion below.</i>	<i>See table and discussion below</i>

¹ Lists types of payments that a landlord may require or accept, including applicant screening charges, deposits to secure execution of rental agreement, security deposits, rent and fees, prepaid rent, utility and service charges, late charges and fees, and damages for noncompliance with rental agreement.

One of the options outlined by the bill is that the rental RV comply with any reasonable appearance, repair, inspection, or siting standards. Through internal discussion with other County departments, such as building, on-site wastewater and code enforcement, and review of code amendments initiated by other counties, several suggested policy questions/suggestions were provided below for the Board's consideration. The code amendments were drafted following the Board's guidance and all policy decisions supported by the Board were also supported by the LCPC.

Policy Question	Justification	Board/LCPC Policy Direction
Should there be special setbacks for the rental RV from resource zoned properties?	Having additional setbacks from resource zoned properties to address wildfire risk and/or compatibility issues with farm and forest zone uses.	Supported
Should there be required fencing or screening around the rental RV?	Address potential compatibility issues with neighboring properties and uses.	Not supported
Should the rental RV be required to contain a toilet, sink and/or shower, and if it does not, should those facilities be otherwise provided by the property owner?	The definition of "recreational vehicle" specifies that at a minimum the RV will have cooking and sleeping facilities, but there is no requirement that the RV have a toilet, sink or shower. This potentially could lead to public health concerns.	Partially supported; toilet and sink required but not shower.
Should the rental RV be allowed to be parked inside a structure and if so, should adequate ventilation be required?	Explicitly allowing the RV to be parked inside a structure could reduce compatibility concerns/visual impacts. A structure could also protect the RV from snow and wind loads. However, adequate ventilation of the structure should be required, such as requiring the structure be open on multiple sides for adequate air flow.	Supported

Should the property owner be required to provide a storage space for the tenant of the rental RV?	This requirement could address concerns with potential nuisance situations or compatibility concerns by providing indoor storage for a tenants belongings.	Not supported
Should rental RVs be disallowed in the floodplain?	Because RVs are not permanent structures, they are more susceptible to flood hazard and development standards, such as anchoring and elevation, will be required when an RV will be on a site for more than 180 consecutive days.	Questions on how many eligible lots are in the regulatory floodplain. <i>See below.</i>

In regard to rental RVs being prohibited in the floodplain, the Board had follow up questions on how many lots eligible for an RV would be disallowed from the establishing the use if the RVs were not permitted in the floodplain.

Staff conducted a query using the minimum criteria of the senate bill and found that approximately 12,800 properties in rural Lane County would potentially be eligible to have a rental RV. The minimum criteria includes lots zoned Rural Residential, properties developed with a single-family dwelling and properties not within the Eugene Urban Reserves area. Of these 12,800 properties, approximately 3,700 have some regulatory floodplain and 790 parcels are completely encumbered by the regulatory floodplain. It is important to note that this is an approximate query that was done with the minimum possible criteria for establishing a rental RV, and of these, some lots might not qualify for a rental RV because of other property specific characteristics that could not be queried for.

Lane Code 16.244 (5)(b)(iii)(ee) currently requires that RVs in the floodplain be ready for highway use and on site for less than 180 days, or the RV must be anchored and elevated. The Board expressed interest in ensuring that the rental RVs are operational and easily moveable to avoid the RVs becoming a permanent fixture on the property and potentially a nuisance. Since the rental RVs allowed by SB 1013 are intended for long-term use and will likely be established for periods longer than 180 days, they would be subject to the anchoring and elevation requirements of the floodplain code. Due to the need for clear and easily identifiable code requirements, coupled with the public safety hazards associated with siting RV in the floodplain, staff recommends prohibiting placement of the rental RVs in the floodplain entirely. Although almost 800 properties could be prevented from having a rental RV if they are prohibited in the floodplain, staff suggests, and the proposed code includes a prohibition on RV placement in the floodplain due to the existing requirements of the

floodplain code. The LCPC supported the inclusion of a floodplain prohibition for rental RVs in the draft code.

Provision Not Considered by the Board:

The code provisions discussed in this section are topics that were not specifically considered by the Board.

Staff finds that the verification of adequate water supply is necessary for properties that are in unincorporated communities to be in compliance with Oregon Administrative Rule (OAR) 660-022-0000, the Unincorporated Community Rule. A provision for verification of adequate water supply is included in the draft code. Staff determined that this provision was necessary after the Board work session on this code amendment, so no policy direction was received from the Board. However, staff finds that this provision is necessary for compliance with the OAR and the Lane County Rural Comprehensive Plan.

The minimum criteria of SB 1013 requires that the rental RV not be used for vacation occupancy. Staff recommends and has included in the draft code that the property owner record a covenant against the property acknowledging that the rental RV will not be used for vacation occupancy. This requirement is the same as what is required for accessory dwelling units and is similar to what is required for guest houses. A covenant is necessary so that the property owner explicitly acknowledges that they cannot use the rental RV for short term rental purposes, and if the property is sold, prospective buyers and future owners are also aware of the restriction on the use of the RV site.

Staff has also included a provision in the draft code that requires that the property not be subject to an open code enforcement action. This provision, in essence, will require that the property owner resolve any open compliance issues on the property before they can establish a rental RV on their property, unless the code infraction is for an occupied RV and can be remedied through the approval of the rental RV.

LCPC Discussion:

The LCPC generally supported the code amendments as drafted, but also had discussion regarding the policy questions, mainly the prohibition on allowing rental RVs in the floodplain. A majority of the LCPC members supported the prohibition on rental RVs in the floodplain because it will be infeasible or impossible for the RV to meet the required floodplain development standards while still being a mobile and operational RV. One Commissioner did not support the recommendation that the Board approve the Ordinance as written due to the prohibition of rental RVs from the floodplain.

Public Comment Received:

To date, no public comment has been received on this project/Ordinance.

Applicable Criteria and Findings of Fact:

The proposed amendments are subject to the applicable criteria identified in Lane Code 12.100.005, 12.100.050, 16.252, and applicable Rural Comprehensive Plan/Statewide Planning Goals. Findings of fact are as follows:

LC 12.100.005 Purpose.

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

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

LC 12.100.050 Method of Adoption and Amendment

A. The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

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

B. The Board may amend or supplement the comprehensive plan upon a finding of:

- 1. An error in the plan; or***
- 2. Changed circumstances affecting or pertaining to the plan; or***
- 3. A change in public policy; or***
- 4. A change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.100.005 above.***

The proposed amendments implement changes to state law and, as such, meet this provision under subsection 3 above upon adoption by the Board.

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

(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.

The proposed amendments implement changes to state law and provide clarity and consistency with state law. The proposed amendments are not contrary to the public interest in that they implement the laws determined by the State of Oregon to best promote the will of the people.

Goal Two: Land Use Planning

Policy 10. Lane County shall update the Rural Comprehensive Plan during periodic review to plan and zone unincorporated communities to comply with OAR 660 Division 22, "UNINCORPORATED COMMUNITIES", the "Unincorporated Community Rule., (UCR). Once updated, any changes in the planning and zoning for the unincorporated communities shall comply with the UCR. The UCR was adopted by the State Land Conservation and Development Commission (LCDC) on October 28, 1994 and became effective on December 5, 1994. The definitions in the UCR for "unincorporated community" and for the four types of unincorporated communities are included in Goal 2 Policy 10 a.-b., below. Section -0020(3)(a) of the UCR allows counties to plan and zone areas as communities if the, "Land has been acknowledged as an exception area and historically considered to be part of the community." The acknowledged exception areas historically considered by Lane County to be communities are identified in Goal 2 Policy 10 c., below.

The proposed amendments are not a periodic update to the RCP but do revise the zoning regulations that apply to some lands within unincorporated communities. Therefore, staff must determine that the proposed amendments comply with OAR 660-022-0000, the Unincorporated Community Rule. Pursuant to OAR 660-002-0030(8)(B), zoning applied to lands within unincorporated communities must ensure that the cumulative development allowed will not exceed the carrying capacity of the soil, existing water supply resources, or sewer services. Provided this requirement, staff have inserted language into the draft code that addresses the OAR and ensures that water supply resources and sewer services will not be exceeded prior to allowing a rental recreational vehicle. Furthermore, new uses in unincorporated communities must not adversely affect agricultural or forestry uses. The proposed code includes special setbacks for rental RVs from adjacent properties zoned farm or forest to ensure compatibility between uses. Lastly, uses in unincorporated communities must be consistent with the identified function and level of service of transportation facilities serving the community. Staff finds that the proposed amendments for rental RVs do not significantly affect existing or planned transportation facilities in unincorporated areas.

Goal Five: Open Spaces, Scenic and Historic Areas and Natural Resources

The proposed amendments allow rental recreational vehicles on rural lands. While this is a new permitted use in the Rural Residential Zone, the addition of the use does not necessitate Goal 5 review. The use is substantially the same as uses already allowed in the Rural Residential Zone (temporary medical hardship dwellings/RVs) and thus, no Goal 5 review is necessary. Since temporary medical hardship RVs are already allowed in the zone and rental RVs are a similar enough use to the temporary medical hardship RVs, staff finds that the new use is not conflicting with a significant Goal 5 resource. Of note, the proposed ordinance only allows one of these RV uses, either a temporary medical hardship RV or a rental RV, to be established on a property. Therefore, the maximum allowed dwelling

density on any given property will not increase because of these amendments and will not create any new or additional effects on a Goal 5 resource. This understanding of when Goal 5 review is triggered is supported by case law, including Johnson v. Jefferson County, 56 Or LUBA 25 (2008); Shamrock Homes LLC v. City of Springfield, LUBA No. 2012-077, LUBA No. 2012-078, LUBA No. 2012-079 (Or. LUBA Jul 12, 2013); and Renken et al v. City of Oregon City, 79 Or LUBA 82 (2019).

G. Alternatives/Options

Option 1. Move to approve the second reading and adopt Ordinance No. 25-01 as presented.

Option 2. Move to approve the second reading, set a third reading, close the public hearing, and continue deliberations to a date certain.

Option 3. Move to approve the second reading, set a third reading and continue the public hearing to a date and time certain and direct staff to revise Ordinance No. 25-01 as directed by the Board (summarize revisions).

IV. RECOMMENDATION:

Staff recommends **Option 1** above.

V. TIMING/IMPLEMENTATION:

Ordinance 25-01 will become effective 30 days after passing of the Ordinance.

VI. FOLLOW UP:

Should the Lane County Board of Commissioners choose **Option 2 or 3**, staff will revise Ordinance No. 25-01 if directed and return for deliberations on the Ordinance on a date certain set by the Board.

Should the Board choose **Option 1**, notice of the Lane County Board of Commissioners action will be provided to the Department of Land Conservation and Development and all interested parties as required by State law.

VII. ATTACHMENTS:

1. Ordinance No. 25-01 (2 pgs.) with:
 - Exhibit A: Lane Code 16.290 Amendments* (28 pgs.)
 - Exhibit B: Findings of Fact (3 pages)
 - *Legislative version of code amendments provided after Exhibit A*
2. LCPC Motion document, d. November 19, 2024 (2 pgs.)
3. Senate Bill 1013 (2 pgs.)

To conserve paper, copies of the Planning Commission Packets are not attached. Materials are available at the following link:

[November 19, 2024 Public Hearing Materials](#)

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 25-01

IN THE MATTER OF AMENDING LANE CODE 16.290 TO INCORPORATE AN ALLOWANCE FOR RENTAL RECREATIONAL VEHICLES IN THE RURAL RESIDENTIAL ZONE AS ALLOWED BY SENATE BILL 1013 AND ORS 215.490; AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE (FILE NO. 509-PA24-05600).

WHEREAS, amendments to Lane Code 16.290 are desired to incorporate an allowance for a rental recreational vehicle as a use in the Rural Residential zone; and

WHEREAS, on January 1, 2024, Senate Bill 1013, which allows establishment of one recreational vehicle as a rental dwelling unit in Rural Residential zoned areas as defined by ORS 215.501, became effective and was codified at Oregon Revised Statute (ORS) 215.490; and

WHEREAS, on October 14, 2024, initial notice of the proposed changes to Lane Code 16.290 was provided to the Department of Land Conservation and Development (DLCD) and on October 29, 2024, notice of a Lane County Planning Commission public hearing was mailed and published; and

WHEREAS, the Lane County Planning Commission reviewed and deliberated on the proposal in a public hearing held on November 19, 2024, and made a recommendation for approval to the Board of County Commissioners (the Board); and

WHEREAS, on December 9, 2024, DLCD notice was updated with a current draft code and on January 8, 2025, notice of a Lane County Board of Commissioners public hearing was mailed and published; and

WHEREAS, the Board held a first reading on January 14, 2025, and a duly noticed public hearing on January 28, 2025, and after considering the public comments, testimony, and staff report, the Board is now ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. Lane Code 16.290 is amended according to **Exhibit A**, attached hereto and incorporated herein by reference.
2. The Findings of Fact, attached as **Exhibit B** and incorporated herein by reference, and the above recitals are adopted in support of this amendment.
3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

4. Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.
5. Ordinances, Lane Code sections, and regulations amended by this Ordinance remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution, or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance, code section, or regulation prior to the effective date of this Ordinance.
6. This Ordinance will be effective 30 days after Board adoption or upon acknowledgement by the Land Conservation and Development Commission, whichever is later.

ENACTED this ____ day of _____ 2025.

David Loveall, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

(2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured home or recreational vehicle; or

(iii) A resident of the temporary manufactured home or recreational vehicle is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured home or recreational vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured home or duplex.

(vi) The temporary manufactured home or recreational vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured home or recreational vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured home or recreational vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured home or recreational vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured home or recreational vehicle, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human

Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A minor home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 6.225 PROHIBITED NOISE for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an

accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Residential Accessory Structures and Uses. Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, and animal or pet shelters

(u) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

(iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(v) Not more than one (1) accessory dwelling unit on a lot or parcel, consisting of at least 2 acres and meeting the standards of LC 16.290(8). The provisions of LC 16.290(2)(u) above do not apply to accessory dwelling units, as allowed by this subsection and LC 16.290(8).

(w) Not more than one (1) recreational vehicle used for residential purposes on a lot or parcel that is subject to a residential rental agreement and meets the standards of LC 16.290(9).

(3) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate home occupation on their Rural Residential zoned land;

(ii) To assure that the operation of home occupation will be compatible with nearby uses;

(iii) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee

parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the home occupation shall not be allowed.

(iii) The amount of building floor area of home occupation shall not exceed:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16.

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place

or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for a non-residential use on a nearby property in a rural zone.

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.

(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

(i) Shall be located at least:

(aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or

(bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and

(ii) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period; and

(iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

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

(n) Golf courses.

(o) Lodges and grange halls that:

(i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or

(ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.

(p) Parks, playgrounds, community centers.

(q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.

(r) Storage facilities for boats and recreational vehicles.

(s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).

(ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(u) Stables, riding academies or commercial riding.

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

(c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

(d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.

(b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.

(c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

(ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

(iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;

(iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;

(v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and

(vi) "Habitable dwelling" means a dwelling, that:

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

(ii) At least 10 feet from all other property lines; and

(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.

(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600 =.

(d) **Riparian Setback Area.** Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) **Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.** Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(f) **Height.** None.

(g) **Signs.**

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement

(iii) Signs shall be limited to 200 square feet in area.

(h) **Parking.** Off street parking shall be provided in accordance with LC 16.250.

(8) **Rural Accessory Dwelling Units.**

(a) **Purpose.** The provisions of this section are intended to implement state law authorizing the development of accessory dwelling units (ADUs) to provide additional housing opportunities on rural lands and to encourage the preservation of historic housing stock.

(b) **Definitions.** For the purposes of LC 16.290(8), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.

(ii) “Area zoned for rural residential use” means lands that are zoned Rural Residential (RR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.

(iii) “Historic home” means a single-family dwelling constructed between 1850 and 1945.

(iv) “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation or remodeling of an existing structure.

(v) “Single-family dwelling” means a residential structure designated as a residence for one family and sharing no common wall with another residence of any type.

(vi) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(vii) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(c) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(i) The lot or parcel is at least two acres in size;

(ii) At least one single-family dwelling is sited on the lot or parcel;

(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS

195.137;

(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(v) The ADU must comply with the property development standards of LC 16.290(7).

(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.

(vii) Only one ADU as defined by LC 16.290(8)(b)(i) and allowed by LC 16.290(2)(v) is allowed on a qualifying lot or parcel.

(viii) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(ix) The provisions of LC 16.290(8) do not apply to guest houses or accessory residential structures, as allowed by LC 16.290(2)(u).

(x) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(xi) An ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.290(8)(b)(vi).

(cc) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, "safe evacuation" means an identified route for evacuation from the ADU to the staged evacuation area. "Staged evacuation area" means a public or private location that occupants of the ADU may evacuate to.

(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.

(B) A determination by the County that an evacuation plan meets the requirements of LC 16.290(8)(c)(xi)(ff) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.

(gg) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(hh) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(ii) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii).

(jj) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(kk) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(ll) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(xii) Conversion of a historic home to an ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and provided:

(aa) The owner of a lot or parcel within an area zoned for rural residential use constructs a new single-family dwelling;

(bb) A historic home, as defined by LC 16.290(8)(b)(iii), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the new single-family dwelling; and,

(dd) ADUs established pursuant to LC 16.290(8)(c)(xii) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)*

(9) Rental Recreational Vehicles.

(a) Purpose. The provisions of this section are intended to implement state law by allowing a recreational vehicle (RV) on rural residential lands to be used as a residential dwelling subject to a residential rental agreement.

(b) Definitions. For the purposes of LC 16.290(9), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) “Recreational vehicle” means a vehicle with or without motive power that has not been rendered structurally immobile, is used for human occupancy, is titled with the Department of Transportation, and satisfies OAR 735-022-0140(7)(a), (b), (c), or (d).

(c) Criteria for Rental Recreational Vehicles.

(i) To qualify for a recreational vehicle as a rental dwelling on a lot or parcel, the following criteria must be met:

(aa) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(bb) The lot or parcel is developed with a lawfully established single family dwelling that is occupied as the primary residence of the property owner;

(cc) There are no other dwelling units on the lot or parcel, including temporary medical hardship dwellings, and no portion of the single family dwelling is rented as a residential tenancy;

(dd) The recreational vehicle may not be located in the regulatory floodplain, as defined in Lane Code 16.244;

(ee) The lot or parcel is not subject to an open code enforcement action, unless the code infraction can be remedied through the approval of a recreational vehicle permit pursuant to this section; and

(ff) If the lot or parcel is within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community, the applicant must demonstrate adequate supply of water to support the recreational vehicle. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(ii) Prior to establishing a recreational vehicle as a rental dwelling on a lot or parcel, the property owner must demonstrate compliance with the following standards:

(aa) The property owner must sign and record a restrictive covenant with Lane County Deeds and Records stating that the rental recreational vehicle allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii), or other short-term uses;

(bb) The recreational vehicle is owned or leased by the tenant throughout the entire term of the tenancy;

(cc) The recreational vehicle must be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and must have no permanently attached additions;

(dd) The property owner must enter into a written residential rental agreement with the tenant of the recreational vehicle and must be valid throughout the entire term of the tenancy;

(ee) The property owner must provide services to the recreational vehicle space including:

(A) Sewage disposal, water supply, electrical supply, and if required by applicable law, any drainage system; and

(B) Any other service or habitability obligation imposed by the rental agreement and ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in a habitable condition), the lack or violation of which creates a serious threat to the tenant’s health, safety or property or makes the rented space unfit for occupancy.

(C) The recreational vehicle must contain an operable toilet and sink, or the property owner must provide these facilities to the tenant and the facilities must be accessible to the tenant at all times.

(D) The property owner must obtain any necessary permits for the installation of services and adhere to any applicable codes.

(ff) The property owner must provide a parking pad for the recreational vehicle with a surface material of compacted gravel, concrete or asphalt, and the surface must be sloped to facilitate drainage of liquids away from the recreational vehicle;

(gg) If the recreational vehicle will be located within a structure, the structure must be entirely open on at least two sides;

(hh) The recreational vehicle must be setback 10 feet from the single family dwelling and other structures on the lot or parcel;

(ii) The recreational vehicle must be setback at least 30 feet from properties zoned F-1, F-2 or EFU; and

(jj) The property owner may provide residential accessory structures and uses for use by the tenant of the recreational vehicle as permitted by Lane Code 16.290(2)(t).

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RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

(2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

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(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured home or recreational vehicle; or

(iii) A resident of the temporary manufactured home or recreational vehicle is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured home or recreational vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured home or duplex.

(vi) The temporary manufactured home or recreational vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured home or recreational vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured home or recreational vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured home or recreational vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured home or recreational vehicle, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period,

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not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A minor home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home

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office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 6.225 PROHIBITED NOISE for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

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(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Residential Accessory Structures and Uses. Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, and animal or pet shelters

(u) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

(iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(v) Not more than one (1) accessory dwelling unit on a lot or parcel, consisting of at least 2 acres and meeting the standards of LC 16.290(8). The provisions of LC 16.290(2)(u) above do not apply to accessory dwelling units, as allowed by this subsection and LC 16.290(8).

(w) Not more than one (1) recreational vehicle used for residential purposes on a lot or parcel that is subject to a residential rental agreement and meets the standards of LC 16.290(9).

(3) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate home occupation on their Rural Residential zoned land;

(ii) To assure that the operation of home occupation will be compatible with nearby uses;

(iii) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

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(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the home occupation shall not be allowed.

(iii) The amount of building floor area of home occupation shall not exceed:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

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(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16.

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for a non-residential use on a nearby property in a rural zone.

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.

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(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

(i) Shall be located at least:

(aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or

(bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and

(ii) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period; and

(iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

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

(n) Golf courses.

(o) Lodges and grange halls that:

(i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or

(ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.

(p) Parks, playgrounds, community centers.

(q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.

(r) Storage facilities for boats and recreational vehicles.

(s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).

(ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

(cc) Parking demand, customer types and traffic generation; and

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(dd) Intensity of land use of the site.

(iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(u) Stables, riding academies or commercial riding.

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

(c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

(d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.

(b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.

(c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

(ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

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(iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;

(iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;

(v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and

(vi) "Habitable dwelling" means a dwelling, that:

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

(ii) At least 10 feet from all other property lines; and

(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.

(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600 =.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(f) Height. None.

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement

(iii) Signs shall be limited to 200 square feet in area.

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

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(8) Rural Accessory Dwelling Units.

(a) Purpose. The provisions of this section are intended to implement state law authorizing the development of accessory dwelling units (ADUs) to provide additional housing opportunities on rural lands and to encourage the preservation of historic housing stock.

(b) Definitions. For the purposes of LC 16.290(8), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) "Accessory dwelling unit" (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.

(ii) "Area zoned for rural residential use" means lands that are zoned Rural Residential (RR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.

(iii) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

(iv) "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.

(v) "Single-family dwelling" means a residential structure designated as a residence for one family and sharing no common wall with another residence of any type.

(vi) "Usable floor area" means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(vii) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(c) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(i) The lot or parcel is at least two acres in size;

(ii) At least one single-family dwelling is sited on the lot or parcel;

(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(v) The ADU must comply with the property development standards of LC 16.290(7).

(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.

(vii) Only one ADU as defined by LC 16.290(8)(b)(i) and allowed by LC 16.290(2)(v) is allowed on a qualifying lot or parcel.

(viii) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(ix) The provisions of LC 16.290(8) do not apply to guest houses or accessory residential structures, as allowed by LC 16.290(2)(u).

(x) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of

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water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(xi) An ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.290(8)(b)(vi).

(cc) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, "safe evacuation" means an identified route for evacuation from the ADU to the staged evacuation area. "Staged evacuation area" means a public or private location that occupants of the ADU may evacuate to.

(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.

(B) A determination by the County that an evacuation plan meets the requirements of LC 16.290(8)(c)(xi)(ff) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.

(gg) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(hh) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(ii) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii).

(jj) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(kk) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(ll) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire

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Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(xii) Conversion of a historic home to an ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and provided:

(aa) The owner of a lot or parcel within an area zoned for rural residential use constructs a new single-family dwelling;

(bb) A historic home, as defined by LC 16.290(8)(b)(iii), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the new single-family dwelling; and,

(dd) ADUs established pursuant to LC 16.290(8)(c)(xii) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)*

(9) Rental Recreational Vehicles.

(a) **Purpose.** The provisions of this section are intended to implement state law by allowing a recreational vehicle (RV) on rural residential lands to be used as a residential dwelling subject to a residential rental agreement.

(b) **Definitions.** For the purposes of LC 16.290(9), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) "Recreational vehicle" means a vehicle with or without motive power that has not been rendered structurally immobile, is used for human occupancy, is titled with the Department of Transportation, and satisfies OAR 735-022-0140(7)(a), (b), (c), or (d).

(c) **Criteria for Rental Recreational Vehicles.**

(i) To qualify for a recreational vehicle as a rental dwelling on a lot or parcel, the following criteria must be met:

(aa) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(bb) The lot or parcel is developed with a lawfully established single family dwelling that is occupied as the primary residence of the property owner;

(cc) There are no other dwelling units on the lot or parcel, including temporary medical hardship dwellings, and no portion of the single family dwelling is rented as a residential tenancy;

(dd) The recreational vehicle may not be located in the regulatory floodplain, as defined in Lane Code 16.244;

(ee) The lot or parcel is not subject to an open code enforcement action, unless the code infraction can be remedied through the approval of a recreational vehicle permit pursuant to this section; and

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(ff) If the lot or parcel is within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community, the applicant must demonstrate adequate supply of water to support the recreational vehicle. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(ii) Prior to establishing a recreational vehicle as a rental dwelling on a lot or parcel, the property owner must demonstrate compliance with the following standards:

(aa) The property owner must sign and record a restrictive covenant with Lane County Deeds and Records stating that the rental recreational vehicle allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii), or other short-term uses;

(bb) The recreational vehicle is owned or leased by the tenant throughout the entire term of the tenancy;

(cc) The recreational vehicle must be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and must have no permanently attached additions;

(dd) The property owner must enter into a written residential rental agreement with the tenant of the recreational vehicle and must be valid throughout the entire term of the tenancy;

(ee) The property owner must provide services to the recreational vehicle space including:

(A) Sewage disposal, water supply, electrical supply, and if required by applicable law, any drainage system; and

(B) Any other service or habitability obligation imposed by the rental agreement and ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in a habitable condition), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

(C) The recreational vehicle must contain an operable toilet and sink, or the property owner must provide these facilities to the tenant and the facilities must be accessible to the tenant at all times.

(D) The property owner must obtain any necessary permits for the installation of services and adhere to any applicable codes.

(ff) The property owner must provide a parking pad for the recreational vehicle with a surface material of compacted gravel, concrete or asphalt, and the surface must be sloped to facilitate drainage of liquids away from the recreational vehicle;

(gg) If the recreational vehicle will be located within a structure, the structure must be entirely open on at least two sides;

(hh) The recreational vehicle must be setback 10 feet from the single family dwelling and other structures on the lot or parcel;

(ii) The recreational vehicle must be setback at least 30 feet from properties zoned F-1, F-2 or EFU; and

(jj) The property owner may provide residential accessory structures and uses for use by the tenant of the recreational vehicle as permitted by Lane Code 16.290(2)(t).

Ordinance No. 25-01
Findings of Fact & Conclusions

LC 12.100.005 Purpose.

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

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

LC 12.100.050 Method of Adoption and Amendment

A. The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

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

B. The Board may amend or supplement the comprehensive plan upon a finding of:

- 1. An error in the plan; or***
- 2. Changed circumstances affecting or pertaining to the plan; or***
- 3. A change in public policy; or***
- 4. A change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.100.005 above.***

The proposed amendments implement changes to state law and, as such, meet this provision under subsection 3 above upon adoption by the Board.

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

(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.

The proposed amendments implement changes to state law and provide clarity and consistency with state law. The proposed amendments are not contrary to the public interest in that they implement the laws determined by the State of Oregon to best promote the will of the people.

Ordinance No. 25-01
Findings of Fact & Conclusions

Goal Two: Land Use Planning

Policy 10. Lane County shall update the Rural Comprehensive Plan during periodic review to plan and zone unincorporated communities to comply with OAR 660 Division 22, "UNINCORPORATED COMMUNITIES", the "Unincorporated Community Rule., (UCR). Once updated, any changes in the planning and zoning for the unincorporated communities shall comply with the UCR. The UCR was adopted by the State Land Conservation and Development Commission (LCDC) on October 28, 1994 and became effective on December 5, 1994. The definitions in the UCR for "unincorporated community" and for the four types of unincorporated communities are included in Goal 2 Policy 10 a.-b., below. Section -0020(3)(a) of the UCR allows counties to plan and zone areas as communities if the, "Land has been acknowledged as an exception area and historically considered to be part of the community." The acknowledged exception areas historically considered by Lane County to be communities are identified in Goal 2 Policy 10 c., below.

The proposed amendments are not a periodic update to the RCP but do revise the zoning regulations that apply to some lands within unincorporated communities. Therefore, staff must determine that the proposed amendments comply with OAR 660-022-0000, the Unincorporated Community Rule. Pursuant to OAR 660-002-0030(8)(B), zoning applied to lands within unincorporated communities must ensure that the cumulative development allowed will not exceed the carrying capacity of the soil, existing water supply resources, or sewer services. Provided this requirement, staff have inserted language into the draft code that addresses the OAR and ensures that water supply resources and sewer services will not be exceeded prior to allowing a rental recreational vehicle. Furthermore, new uses in unincorporated communities must not adversely affect agricultural or forestry uses. The proposed code includes special setbacks for rental RVs from adjacent properties zoned farm or forest to ensure compatibility between uses. Lastly, uses in unincorporated communities must be consistent with the identified function and level of service of transportation facilities serving the community. Staff finds that the proposed amendments for rental RVs do not significantly affect existing or planned transportation facilities in unincorporated areas.

Goal Five: Open Spaces, Scenic and Historic Areas and Natural Resources

The proposed amendments allow rental recreational vehicles on rural lands. While this is a new permitted use in the Rural Residential Zone, the addition of the use does not necessitate Goal 5 review. The use is substantially the same as uses already allowed in the Rural Residential Zone (temporary medical hardship dwellings/RVs) and thus, no Goal 5 review is necessary. Since temporary medical hardship RVs are already allowed in the zone and rental RVs are a similar enough use to the temporary medical hardship RVs, staff finds that the new use is not conflicting with a significant Goal 5 resource. Of note, the proposed ordinance only allows one of these RV uses, either a temporary medical hardship RV or a rental RV, to be established on a property. Therefore, the maximum allowed dwelling density on any given property will not increase because of these amendments and will not create any new or additional effects on a Goal 5

Ordinance No. 25-01
Findings of Fact & Conclusions

resource. This understanding of when Goal 5 review is triggered is supported by case law, including Johnson v. Jefferson County, 56 Or LUBA 25 (2008); Shamrock Homes LLC v. City of Springfield, LUBA No. 2012-077, LUBA No. 2012-078, LUBA No. 2012-079 (Or. LUBA Jul 12, 2013); and Renken et al v. City of Oregon City, 79 Or LUBA 82 (2019).

MOTIONS AND VOTE RESULTS

LANE COUNTY PLANNING COMMISSION

DATE: Tuesday, November 19, 2024

TIMES: 6:00 P.M. Work Session and 7:00 P.M. Public Hearing



Item(s):

(1) 2025 Officer Appointments

(2) Department File No. 509-PA24-05600 / Amendments to Lane Code 16.290 to incorporate an allowance for rental recreational vehicles in rural residential zones as allowed by Senate Bill 1013 and ORS 215.490.

Motion Language: Move to nominate Stephen Snider for Chair of the Lane County Planning Commission.

Motion By: Lay

Amendments to the Motion: None

Second By: Wihtol

In Favor: Choate, Snider, Lay, Hadley Arscott, Dompe, Tibbetts, Wihtol

Opposed: None

Abstained: None

Motion Language: Move to nominate Markus Lay for Vice Chair of the Lane County Planning Commission.

Motion By: Hadley

Amendments to the Motion: None

Second By: Wihtol

In Favor: Choate, Snider, Lay, Hadley Arscott, Dompe, Tibbetts, Wihtol

Opposed: None

Abstained: None

Lane County Planning Commission Members: Stephen Snider, Chair; Markus Lay, Vice-Chair; Jeffery Choate; Christian Wihtol; Bruce Hadley; Jonnie Peacock; Eliza Kashinsky; Megan Dompe; Jack Tibbetts; Kim Arscott

Motion Language: Move to close the public hearing on department file No. 509-PA24-05600.	Motion By: Snider
Amendments to the Motion: None	Second By: Choate
In Favor: Choate, Snider, Lay, Hadley Arscott, Dompe, Tibbetts, Wihtol	
Opposed: None	
Abstained: None	
Motion Language: Move to forward a recommendation that the Board of Commissioners adopt the proposed amendments as presented.	Motion By: Hadley
Amendments to the Motion: None	Second By: Lay
In Favor: Choate, Snider, Lay, Hadley Arscott, Dompe, Wihtol	
Opposed: Tibbetts	
Abstained: None	
Number of people who provided testimony at the Public Hearing: 0	

LCPC Attendance:
Present: Choate, Snider, Hadley, Lay, Wihtol, Arscott, Dompe, Tibbetts
Absent: Peacock

Lane County Planning Commission Members: Stephen Snider, Chair; Markus Lay, Vice-Chair; Jeffery Choate; Christian Wihtol; Bruce Hadley; Jonnie Peacock; Eliza Kashinsky; Megan Dompe; Jack Tibbetts; Kim Arscott

Enrolled

Senate Bill 1013

Sponsored by Senators HAYDEN, LINTHICUM, SMITH DB; Representatives BOICE, DIEHL, GAMBA, HELFRICH, LEVY B, MORGAN (at the request of Clackamas County Chair Tootie Smith)

CHAPTER

AN ACT

Relating to residential tenancies in recreational vehicles; creating new provisions; and amending ORS 197.493.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a) “Recreational vehicle” means a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation.

(b) “Rural area” means an area zoned for rural residential use as defined in ORS 215.501 or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use.

(2) A county may allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement, provided:

(a) The property is not within an area designated as an urban reserve as defined in ORS 195.137;

(b) A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property;

(c) There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy;

(d) The property owner will not allow the use of the recreational vehicle space or recreational vehicle for vacation occupancy, as defined in ORS 90.100, or other short-term uses;

(e) The recreational vehicle is owned or leased by the tenant; and

(f) The property owner will provide essential services to the recreational vehicle space, as described in ORS 90.100 (13)(b).

(3) A county may require that an owner of a lot or parcel who sites a recreational vehicle under this section:

(a) Register the use with the county.

(b) Enter into a written residential rental agreement with the tenant of the recreational vehicle.

(c) Limit the amount of payments that the property owner may accept from the tenant under ORS 90.140 to those reasonably necessary to cover the owner’s costs or losses.

(d) Require that the recreational vehicle comply with any reasonable appearance, repair, inspection or siting standards adopted by the county.

(4) Notwithstanding ORS 455.405, a recreational vehicle sited under this section is not subject to the state building code.

SECTION 3. ORS 197.493 is amended to read:

197.493. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Allowed under section 2 of this 2023 Act;

[(a)(A)] (b)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

(B) Occupied as a residential dwelling; and

(C) Lawfully connected to water and electrical supply systems and a sewage disposal system; or

[(b)] (c) On a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural [disasters] **disaster**, including wildfires, earthquakes, flooding or storms, until no later than the date:

(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;

(B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or

(C) Twenty-four months after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

Passed by Senate April 5, 2023

Received by Governor:

Repassed by Senate June 15, 2023

.....M.,....., 2023

Approved:

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Lori L. Bocker, Secretary of Senate

.....M.,....., 2023

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Rob Wagner, President of Senate

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Tina Kotek, Governor

Passed by House May 31, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State