

Lane Code
CHAPTER 10 CONTENTS

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IMPORTANT AGRICULTURAL LAND DISTRICT (A-1)

10.106-05 Purpose.

The Important Agricultural Land District (A-1) is intended to provide areas for the continued practice of commercial agriculture, permit only those activities compatible with commercial agriculture, to guarantee the preservation and maintenance of areas so classified. It is adopted as an Exclusive Farm Use District as provided for by ORS 215.203 through ORS 215.263.

The Important Agricultural Land District is to be applied to land designated as agricultural by the Comprehensive Plan and possessing the following characteristics:

- (1) Land having soils of Class I, II, III or IV as identified by the US Soil Conservation Service or lands suitable for farm use pursuant to LCDC Goal 3; and
- (2) Land where the predominant activity is commercial agriculture and where application of this District is necessary for the continuation of such activities, and
- (3) Land in an area that is relatively free from non-farm uses; and
- (4) Land in an area where the predominant soils are of the type classified as "prime" or "soils of local importance" by the United States Department of Agriculture Soil Conservation Service. Other surrounded or adjacent lands may also be included in the Important Agricultural Land District where such inclusion is necessary to preserve and protect the integrity of commercial agriculture.

It is County's policy to protect forestry and agricultural operations from conflicting land uses. Nothing in this chapter is intended to interfere with normal forestry or agricultural management or practices that might result in conditions such as noise, dust or smoke, visual impacts or odors for temporary periods of time. Existing or proposed non-forest or non-farm uses (i.e., dwellings) within the Important Agricultural Land District (A-1) must recognize that the intent of the District is to protect resource management activities and that, in the event of conflict between residential uses and normal forestry or agricultural practices, this chapter will be interpreted in favor of resource management practices. *(Revised by Ordinance No. 16-80, Effective 9.27.80)*

10.106-10 Uses.

Within an A-1 District only the following uses and buildings are permitted pursuant to the review process and criteria as specified in Table I below. The number opposite the proposed use under the column describing the land unit under consideration will indicate the appropriate review process described in LC 10.106-12.

Table I

Buildings & Uses	Land Unit (See LC 10.100-40)				
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
(1) Farm uses (See "Farm Use" definition.)	(1)	(1)	(1)	(1)	(1)
(2) Accessory buildings customarily provided in conjunction with a use permitted in this District.	(1)	(1)	(1)	(1)	(1)

Table I

Buildings & Uses

Land Unit
(See LC 10.100-40)

NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed	Com- mercial Farm Unit I	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
(3) One single-family dwelling or one mobile home per land unit in conjunction with a farm use as defined in this chapter.	(1)	(2) ¹	(3) ²	(4) ³	N/A
(4) One single-family dwelling or one mobile home per land unit used for persons employed on the premises in conjunction with a farm use.	(1)	(2) ⁴	(3) ⁵	N/A	N/A
(5) Mobile homes in addition to those permitted in (4) above for persons employed on the premises in conjunction with a farm use.	(11)	(11)	(11)	N/A	N/A
(6) One single-family dwelling or one mobile home per land unit not in conjunction with a farm use. Such use shall not be in addition to those permitted under (3), (4) and (5) above or (7) below.	(13)	(13)	(13)	(13)	(13) ⁶
(7) One single-family dwelling or one mobile home per land unit occupied by a relative whose assistance on the farm is or will be required by the farm operator.	(1)	(1)	(1)	(1)	N/A
(8) Public and semi-public buildings and structures rendering direct utility service to the public in local areas, such as fire stations, utility substations, electrical transmission facilities transmitting electric current 150,000 volts or less in any single cable or line or group of cables or lines, radio and TV receiving or broadcasting facilities, pump stations and wells,	(1)	(1)	(1)	(1)	(1)

¹ If proposed on a parcel created under the review process specified at LC 10.106-12(2) or LC 10.106-12(3), the structure will be considered as a permitted use and not require approval as a special use.

² See #9.

³ If proposed on a parcel created under the review process specified at LC 10.106-12(9) below, the structure will be considered as a permitted use and not require approval as a special use.

⁴ See #9.

⁵ See #9.

⁶ See #11.

Table I

Buildings & Uses

Land Unit
(See LC 10.100-40)

	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed					
except commercial facilities for the purpose of generating power for public use by sale.					
(9) Commercial activities that are in conjunction with a farm use.	(4)	(4)	(4)	(4)	(4)
(10) Propagation or harvesting of a forest product.	(1)	(1)	(1)	(1)	(1)
(11) Flood control or irrigation projects and facilities.	(12)	(12)	(12)	(12)	(12)
(12) Rock, sand, gravel or loam extraction and extraction provided:					
(a) Materials produced are for the sole use of the owner or operator and are not offered for sale or remuneration and are used in conjunction with a farm use.					
(b) Total excavation or extraction does not exceed 5,000 cubic yards annually.	(4)	(4)	(4)	(4)	N/A
(13) Electrical generation facilities, canals, flumes, pipelines and similar facilities, including electrical transmission facilities transmitting electric current in excess of 150,000 volts in any single cable or line or group of cables or lines.	(12)	(12)	(12)	(12)	(12)
(14) Minor Rural Home Occupations (see LC 10.342-05 through LC 10.342-25) provided, however, such activity is conducted exclusively by the residents and is within a dwelling allowed under (3), (4) or (5) above or is within accessory buildings that have a primary function of supporting farming practices.	(11)	(11)	(11)	(11)	N/A
(15) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings	(11)	(11)	(11)	(11)	(11)

Buildings & Uses	Table I				
	Land Unit (See LC 10.100-40)				
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
necessary for its operation.					
(16) Land Divisions.	(6)	(7)	(8)	(9)	(10)
(17) Family day care facility in an existing residence or a residence established in accordance with the applicable review processes set forth above.	(1)	(1)	(1)	(1)	(1)
(18) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been inventoried and designated in the applicable Comprehensive Plan as a historic structure meeting the standards of ORS 358.480.	Refer to 10.106-10(3) above.				
(19) Seasonal farm worker housing.	(11)	(11)	(11)	(11)	N/A
(20) Residential Home in an existing residence or a residence established in accordance with the applicable review processes set forth above.	(1)	(1)	(1)	(1)	(1)
(21) Winery, developed only as specifically defined in LC 10.020, provided that the vineyards described in the definition of winery are planted or that the long-term contract for vineyard produce is executed, and further provided that the following conditions are shown at the time of application to be satisfied in a manner that demonstrated conflicts with accepted farming or forest practices on adjacent lands are limited:					
(a) A 100-foot setback is maintained from all property lines to the outside perimeter of the winery and all associated public gathering places;					
(b) There is provision of direct road access to the site, including adequate internal circulation, and parking as defined in LC 10.300-05(2)(a)(vii).	(1)	(1)	(1)	(1)	N/A
(22) Room and board	(11)	(11)	(11)	(11)	N/A

Table I

Buildings & Uses

Land Unit
(See LC 10.100-40)

NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.
N/A=Not Allowed

	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
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arrangements for a maximum of five unrelated persons in an existing dwelling otherwise permitted by this district, and also provided that such a facility will not force a significant change in accepted farm or forest practices on surrounding lands devoted to forest use, or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(23) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well-head; and operations for the exploration for minerals as defined by ORS 517.750.

(1)	(1)	(1)	(1)	(1)
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(24) Subsurface resource recovery operations as follows:

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted by LC 10.106-10(23) above.

(b) Mining of aggregate and other mineral and other subsurface resources to an amount exceeding 1,000 total cubic yards of material or excavation preparatory to mining a surface area of more than one acre.

(c) Processing, as defined in ORS 517.750, of aggregate into asphalt or portland cement; provi-

Table I

Buildings & Uses	Land Unit (See LC 10.100-40)				
	Com- mercial Farm	Com- mercial Farm Unit I	Special Commer- cial Farm Unit II	Special Farm Unit	Non- Farm Unit
NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed					
ded such processing does not take place within two air miles of a vineyard planted at the time the initial processing application is made.					
(d) Processing of other mineral resource and other subsurface resources.	(5)	(5)	(5)	(5)	(5)
(25) Creation of, restoration of, or enhancement of wetlands.	(1)	(1)	(1)	(1)	(1)
(26) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).	(1)	(1)	(1)	(1)	(1)
(27) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).	(11)	(11)	(11)	(11)	(11)
<i>(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91; 10-04, 6.4.04)</i>					

10.106-12 Review Process.

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.
 - (a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and
 - (b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.
- (3) Special Use.
 - (a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and
 - (b) The subject property, although smaller in size than commercial farm units in the immediate area.
 - (i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and
 - (ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

(4) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

(vi) Will not be adversely affected by natural hazards, such as floods, slides and erosion.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(5) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

(vi) Will not be adversely affected by natural hazards, such as floods, slides and erosion.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(6) Subject to Director approval pursuant to LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to Director approval pursuant to LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll.

Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

- (8) Subject to Director approval pursuant to LC Chapter 13, and
- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
 - (ii) Is consistent with the purpose of ORS 215.243.
 - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
 - (iv) Does not materially alter the stability of the overall land use pattern of the area.
 - (b) The subject property, although smaller in size than other commercial farm units in the immediate area.
 - (i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and
 - (ii) Will contribute in a substantial way to the agricultural economy of the County, and
 - (iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers in the region.

Findings of compliance with these criteria shall be deemed as complying with ORS 215.243.

- (9) Subject to Director approval pursuant to LC Chapter 13, and
- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
 - (ii) Is consistent with the purpose of ORS 215.243.
 - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
 - (iv) Does not materially alter the stability of the overall land use pattern of the area.
 - (b) (i) Agricultural land will be maintained as a natural and economic asset.
 - (ii) There will be no intrusion into the block of agricultural land surrounding the subject property.
 - (iii) There will be no urban development.
 - (iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

- (c) (i) The parcel to be divided is marginal agricultural land.
- (ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.
- (iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.
- (iv) Most farming operations in the area are on farms of the size proposed by the division.
- (v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

- (10) Subject to Director approval pursuant to LC Chapter 13.
- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
 - (ii) Is consistent with the purpose of ORS 215.243.
 - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

(11) Special Use.

(a) Subject to Director approval pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Will not be adversely affected by natural hazards, such as floods, slides, erosion.

(12) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

(vi) Will not be adversely affected by natural hazards, such as floods, slides and erosion.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(13) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of the Zoning District and ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

(vi) Will not be adversely affected by natural hazards, such as floods, slides, erosion.

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 16-83, 9.14.83; 20-05, 6.16.20)*

10.106-15 Land Division Requirements.

(1) Land within the A-1 District shall be subject to the following provisions for addition to the requirements of LC Chapter 13.

(a) Land division shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.010(9) is expressly prohibited.

(b) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.106-10(2).

(c) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(d) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

10.106-20 Land Units.

For purposes of using Table I (LC 10.106-10), the following shall apply:

- (1) Commercial Farm Unit is a contiguous ownership meeting the area requirements of LC 10.360-10.
- (2) Special Commercial Farm Unit I is a contiguous ownership meeting the area requirements set forth in LC 10.106-12(2).
- (3) Special Commercial Farm Unit II is a contiguous ownership meeting the requirements set forth in LC 10.106-12(3).
- (4) Farm Unit is any contiguous ownership used for farm use as defined by this chapter and not meeting the requirements of LC 10.106-20(1), (2) or (3) above.
- (5) Non-farm Unit is any parcel of land not used for farm purposes as defined by this chapter. *(Revised by Ordinance No. 1-82, As Amended, Effective 4.16.82)*

10.106-30 Nonconforming Uses and Use of Preexisting Parcels.

(1) A legally established non-farm use existing at the time zone is applied and is unintentionally destroyed by fire, other casualty or natural disaster may be reestablished to its previous nature and extent, but the reestablishment shall meet all building, plumbing, sanitation, State Building Code and LC Chapter 15, Setback Requirements.

(2) If a preexisting parcel meets the minimum area requirements of this section for a commercial farm parcel, uses may be established as provided in this section.

(3) Except as provided in LC 10.106-30(1) above, if a preexisting parcel does not meet the minimum area requirements of this section for a commercial farm parcel, the parcel is deemed a non-farm lot and any proposed single-family dwelling, mobile home and accessory building shall be deemed a non-farm use. Any other use listed in LC 10.106-10 above may be established in accordance with procedures and criteria in LC 10.106-10. *(Revised by Ordinance No. 1-82, As Amended, Effective 4.16.82)*

10.106-40 Setback Requirements.

(1) Building setbacks from all property lines and public or private rights-of-way shall be as provided in LC 15.065 through LC 15.095.

(2) All buildings or structures shall be set back 100 feet from ordinary high waterline of any Class I stream, provided, however, a lesser setback may be authorized in conjunction with a special use after evaluation of impact on riparian vegetation. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-04, 6.4.04)*

10.106-50 Conflicting Provisions.

No provision of this section shall be construed to authorize any use included within the definition of farm use or specially authorized as a non-farm use in ORS 215.203 and 215.213. *(Revised by Ordinance No. 16-80, Effective 9.27.80)*

10.106-60 Applications.

Any application submitted for review under this section must state which land unit and review process is applicable. Failure to meet the applicable criteria and standards shall result in denial of the application. Consideration of the request under different criteria (i.e., those applicable to a different land unit) shall be only upon the submission of a new application. *(Revised by Ordinance No. 1-82, As Amended, Effective 4.16.82)*

10.106-95 Telecommunication Towers.

Notwithstanding the requirements in LC 10.106-05 through -60 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400

and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

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ARE RESERVED FOR FUTURE EXPANSION