

LAURI SEGEL

## FOREST LANDS AND GUEST HOUSES

Group calls land use proposal updates ill-defined

PHOTO BY TODD COOPER

**A** proposal from county planners seeking to update the land use code for rural areas violates Oregon state law, a local watchdog group says.

LandWatch Lane County members say the Lane County Management Division's "Code Modernization Project" disregards a state statute outlining proper uses for residential buildings connected to a home.

The nonprofit, which advocates for responsible land use policy, says the proposal's definitions create loopholes allowing for the unlawful construction of residential buildings that have non-farm and non-forest purposes — for example, an Airbnb used on farm and forestland receiving property tax deferrals.

LandWatch members say they are concerned with how such dwellings are being approved.

"Forestland is property tax deferred, and the reason for that is so people would use land for farm and forest uses," LandWatch board member Lauri Segel says. "When you have forestland committed to non-forest uses, you are not able to contribute to the commercial economy."

LandWatch Lane County wants county planners to

change the proposal — which would affect F-1, F-2, Exclusive Farm Use and Marginal Land zones — before the Lane County Planning Commission's April 3 hearing. The impacted land zones are in the county's rural areas.

According to Lindsey Eichner, a Lane County senior planner, the Code Modernization Project came out of an agreement between the county and the state of Oregon, which provided the county with counseling from the state's Department of Land Conservation and Development.

In 2015, county land use planners began updating chapters 12, 13 and 16 of the Lane County Code, according to a Planning Commission memo.

Eichner says the purpose of the updates is to improve the "readability of the code language and make sure the code is most consistent with the state laws and rules in ORS 215."

But on Feb. 15, according to Eichner, LandWatch Lane County sent a letter to the planners, commenting that the plan didn't follow that very statute.

ORS 215 states that single-family dwellings and accessory dwellings — which the state defines as "a residential

structure that is used in connection with or that is auxiliary to a single-family dwelling" — must be "in conjunction with farm use" at exclusive farm use and marginal zones.

According to Segel of LandWatch, the Code Modernization Project proposal uses inconsistent definitions of what a "dwelling" is.

Currently, the plan's definition of a dwelling is "a building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts and camping vehicles."

As a result, Segel says, this definition of a dwelling conflicts with how the state defines a "single-family dwelling." With ORS 215 labelling dwellings as "auxiliaries" to single-family dwellings, she says state law makes it clear that single-family dwellings are primary dwellings.

"The county's use of the word 'temporarily' allows them to approve guest houses," she says.

In addition, Segel says she takes issue with what county planners call a "guest house," defined as "an accessory building without kitchen or cooking facilities and occupied solely by non-paying guests or by servants employed on the premises."

Segel says that there is no provision in state law allowing for guest houses to be built on farm and forest lands.

Also, she says, the plan's definition is unenforceable: "Lane County wants to say that guest houses don't have kitchen facilities, but who knows what kind of facilities that you have in there?"

She adds that Lane County can't even enforce "things that are important much less going around going to people with guest houses to see if they have a kitchen."

In response to a March 8 email asking whether county planners agree with LandWatch Lane County's assessment of the code, Lane County Public Information Officer Devon Ashbridge responded that the planners are "working to evaluate and address all the feedback so far, including from LandWatch Lane County."

Ashbridge says a staff report will be complete and publicized by March 27 or 28, before the April 3 Lane County Planning Commission public hearing. ■

*The Planning Commission meeting is 6 pm, April 3, at Harris Hall, located in the Lane County Public Service Building.*

## ACTIVIST ALERT

• Retired **U.S. Air Force Major Margaret Witt, equal rights advocate and decorated veteran**, will discuss her history-making legal challenge of the military's "don't ask, don't tell" policy and her ongoing equal-rights advocacy 6 pm Thursday, April 5, in Lane Community College's Center for Meeting and Learning, Building 19 on the main campus. During her career in the Air Force, Witt logged nearly 2,000 hours as a flight nurse before she was suspended in 2004 and faced dismissal under "don't ask, don't tell." She legally challenged

the discharge and made history in 2010 when the courts ruled the dismissal violated her constitutional rights and ordered her reinstatement. Her legal fight helped lead to the Don't Ask, Don't Tell Repeal Act of 2010.

• **Share Fair: A Really Free Market!** On March 27 from 2 pm to 6 pm, The Neighborhood Anarchist will be hosting another Share Fair at First Christian Church! The fair will provide free goods and services from local businesses, organiza-

tions and individual donations to unhoused and vulnerable members of the community. Along with these resources, there will be food, live music and a chance to meet other members of the community — and it's all free! We are also still accepting donations and volunteers. If you and your organization, business or friends would like to donate resources/services or volunteer, please contact [resources@neighborhoodanarchists.org](mailto:resources@neighborhoodanarchists.org). (First Christian Church neither endorses nor sponsors the activities of this group.)

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