



LAND MANAGEMENT DIVISION

Date Received:

TYPE I CHECKLIST - DWELLING ALTERATION/RESTORATION: F-1 / F-2 / EFU ZONES

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97404 Planning: 682-3577

Applicant (print name):

Mailing address:

Phone: Email:

Applicant Signature:

Agent (print name):

Mailing address:

Phone: Email:

Agent Signature:

Land Owner (print name):

Mailing address:

Phone: Email:

Through applying for this application I authorize the Lane County Planning Director, designee, or Hearings Official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature:

LOCATION

Assessor's Map and Taxlot Number

Site address

PROPOSAL: A request for Type I determination for alteration or restoration (that changes the footprint) of a dwelling in the:

- Nonimpacted Forest Lands (F-1) Zone, pursuant to Lane Code 16.210(2)-2.2; or
Impacted Forest Lands (F-2) Zone, pursuant to Lane Code 16.211(2)-2.5; or
Exclusive Farm Use (EFU) Zone, pursuant to Lane Code 16.212(3)-2.7; or

This application is based on objective evidence and is not a land use decision; therefore, it is not subject to public notice and may only be appealed by the applicant.

ADDITIONAL INFORMATION REQUESTED FOR THIS APPLICATION:

ACREAGE: _____

DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer):

State Hwy County Rd Public Rd Private Easement

Road name:

NUMBER OF EXISTING DWELLINGS ON PARCEL:

EXISTING IMPROVEMENTS: What structures or improvements does the property contain (i.e., outbuildings, roads, driveways, wells, septic tanks, drainfields)? Will any structure or improvement be removed/demolished?

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APPROVAL CRITERIA

The Nonimpacted Forest Land (F-1) and Impacted Forest Land (F-2) zones contain identical standards for alteration or restoration of a dwelling. The Exclusive Farm Use (EFU) zone contains different standards than those in the F-1 and F-2 zones. Below are the standards from the F-2 and EFU zones.

*** This application is only required when the proposal involves changing the footprint of the existing dwelling. If you are applying for a replacement dwelling in the F-1, F-2 or EFU zone, please use the applicable *Verification of Replacement Rights* application.***

If the dwelling is located within the **F-1 or F-2 zones**, the alteration or restoration must comply with the following standards:

Lane Code 16.211(2) contains the **Impacted Forest Lands (F-2) Zone Table of Permitted Uses. Use 2.5, alteration, restoration, or replacement of a lawfully established dwelling, is subject to (3)(d), (3)(q), (5) and (6).**

(3) Use Standards

- (d) **Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:**
 - (i) **The dwelling was lawfully established**
 - (ii) **The lawfully established dwelling:**
 - (aa) **Has intact exterior walls and roof structures;**
 - (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;

Include pictures of the kitchen, bathroom, interior lights, heating system, and exterior of the dwelling.

- (q) For single-family dwellings, the landowner must sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

If the application is approved, this will be required after the building permit review meeting and prior to issuance of the building permit.

(5) Siting Standards for Uses, Activities, and Structures

Restoration or alteration of an existing dwelling will be in the 'same site' area per Lane Code 16.211(3)(s). Therefore, the application is exempt from Lane Code 16.211(5)(a). The restoration or alteration must comply with the setback requirements of Lane Code 16.211(5)(b).

(6) Fire-Siting Standards for Dwellings and Structures

Restoration or alteration of an existing dwelling requires Fuel-Free Breaks pursuant to Lane Code 16.211(6)(c). If the proposed restoration or alteration changes the existing access to the dwelling, Fire Safety Design Standards for Roads and Driveways may also apply as required by Lane Code 16.211(6)(b).

If the dwelling is located within the **EFU zone**, the alteration or restoration must comply with the following standards:

Lane Code 16.212(3) contains the Exclusive Farm Use Zone Table of Permitted Uses.

Use 2.7, alteration, restoration, or replacement of a lawfully established dwelling, is subject to (4)(z), (6)(a)-(d), and (15).

(4) Use Standards

- (z) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

If the application is approved, this will be required as part of the building permit review meeting and recorded prior to issuance of the building permit.

(6) Alteration, Restoration or Replacement of a Lawfully-Established Dwelling

- (a) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the approval authority finds to its satisfaction, based on substantial evidence that:
 - (i) The dwelling to be altered, restored or replaced has, or formerly had:
 - (aa) Intact exterior walls and roof structure;
 - (bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

- (cc) Interior wiring for interior lights; and
 - (dd) A heating system.
- (ii) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for:
- (aa) The previous five property tax years; or
 - (bb) If the dwelling was constructed within the last five years, the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.
 - (cc) Notwithstanding (ii)(aa) and (bb) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 - (A) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - (B) The applicant establishes to the satisfaction of the approval authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

The remainder of criteria in subsection (6)(b) through (d) applies only to replacement dwellings and is not applicable to requests for alteration or restoration of a dwelling.

- (15) **Development Standards.** All uses or activities allowed by LC 16.212 must comply with the requirements in Section (15)(b). Uses or activities allowed by LC 16.212, except farm use, must comply with the requirements in LC 16.212(15)(a) and (b).

Restoration or alteration to a dwelling must comply with the setback requirements of Lane Code 16.212(15)(b).

APPLICANT CERTIFICATION

I, _____, as applicant, with authorization of the owner of
Applicant (Print Name)

the subject property, declare that I have read all of the foregoing and the information I have provided is accurate and correct.

Signature

Date Signed

****For Staff Use Only****

Staff checklist for building permit: _____

The application contains the following information as required by the applicable Lane Code provisions in chapter 16.210, 16.211 or 16.212.

- ___ Owner’s signature is on the application form
- ___ Scaled site plan showing all existing and proposed development on the subject property as meeting setbacks
- ___ Habitability photos of the subject dwelling
- ___ Lane County Assessment and Taxation records showing taxation of the dwelling
- ___ Building permit, land use application or records from the Lane County Assessment and Taxation Office indicating the structure has been taxed on a continuous annual basis from a date that predates zoning.

Based on the information provided, staff has verified that the application complies with Lane Code _____.

Staff Signature

Date

* The Farm Use and Forest Management Easement agreement will be recorded after the building permit review meeting. A copy of the recorded document must be returned to Building Permit Review Meeting staff.

RECORDING INSTRUCTIONS FOR
FARM USE AND FOREST MANAGEMENT EASEMENT



Permit # _____

Map and Tax Lot # _____

Type of Document:

“Easement Agreement”

Prior to Recording:

___ The property owner must sign the document in the presence of a notary.

___ Obtain a copy of the “Property Description Card” (for the map and tax lot # listed above) from the Lane County Assessment and Taxation Office, located in the basement of the Lane County Public Service Building, 125 E 8th Ave., Eugene, Oregon

___ Label the top of the “Property Description Card” as “Exhibit A”

___ Note: All documents must be of recordable size, 8 ½” x 11”

Recording:

After approval and issuance of a Building Permit Number (509-BPXX-XXXX), record the document(s) along with the Exhibit(s) at the Lane County Deeds and Records Office, located on the first floor of the Lane County Public Service Building, 125 E 8th Ave., Eugene, Oregon

ONCE THE DOCUMENT IS RECORDED, PLEASE SUBMIT A COPY TO:

[@co.lane.or.us](mailto:_____@co.lane.or.us)

LAND MANAGEMENT DIVISION / PUBLIC WORKS DEPARTMENT / 125 EAST 8TH AVENUE/
EUGENE, OREGON 97401 / FAX (541) 682-3947
BUILDING (541) 682-3823 / PLANNING (541) 682-3807 / SURVEYORS (541) 682-4195 / COMPLIANCE
(541) 682-3807 / ON-SITE SEWAGE (541) 682-3754

After Recording Return to:

Recording Label Here

FARM USE AND FOREST MANAGEMENT EASEMENT

Grantor(s) _____
print name(s)

is/are the owner(s) of real property as described on Exhibit "A", attached hereto. In accordance with the requirements of Lane Code, Building Permit BP # _____, for Assessor's Map and Tax Lot _____ Grantor(s) hereby grant(s) to the owner(s), (**Grantees**), of all property zoned for farm or forest use, a perpetual non-exclusive farm use and forest practices management easement as follows:

1. The Grantor(s), the heirs, successors, and assignees acknowledge by the granting of this easement that the above described property is situated in a farm or forest zone in Lane County, Oregon, and may be subjected to conditions resulting from farm use or commercial forests operations on lands zoned for farm or forest use. Such operations may include farm use as defined in ORS 215.203 and management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, and other accepted and customary forest management activities conducted in accordance with Federal and State Laws. Said farm use and forest management activities ordinarily and necessarily produce noise, dust, odors, smoke and other conditions, which may conflict with Grantor's use of Grantor's property for residential purposes, and Grantor(s) hereby give(s) an easement to the property owners of lands zoned for farm or forest use for the resultant impact on Grantors property caused by the farm use or forest management activities on such lands.
2. Grantor(s) shall comply with all restrictions and conditions for maintaining residences in farm and forest zones that may be required by State, Federal, and local land use laws and regulations. Grantor(s) will comply with all fire safety regulations developed by the Oregon Department of Forestry for residential development within a forest zone.

This easement is appurtenant to all property zoned for farm or forest use, and shall bind the heirs, successors, and assignees of Grantor(s), and shall endure for the benefit of the owners of lands zoned for farm or forest use, their heirs, successors, and assignees. The grantees, their heirs, successors, and assignees are hereby expressly granted the right of third party enforcement of this easement.

Grantor Signature

Grantor Signature

IN WITNESS WHEREOF, the Grantor(s) has/have executed this easement on _____
(date)

State of OREGON
County of _____

Signed or attested before me on _____, 20____

by _____
(Name of Grantor)

Signature of Notary

My commission expires: _____