

LAND MANAGEMENT DIVISION

Date Received:



LAND USE APPLICATION - ADMINISTRATIVE
Verification of Replacement Rights:
Exclusive Farm Use Zone - Same Site

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

For Office Use Only. FILE # FEE:

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

Township - Range - Section - Taxlot

Site address

PROPOSAL: A Request for Administrative Approval of a replacement dwelling on the same site as the existing dwelling in the Exclusive Farm Use Zone, pursuant to Lane Code 16.212(5)(a).

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.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings.

SITE PLAN A site plan must be included. Refer to the handout entitled “How to prepare your plot plan”. Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

ZONING _____

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?

PHYSICAL FEATURES: Describe the site.

- The Vegetation on the property: _____

- The Topography of the property: _____

- Any Significant Features of the property (steep slopes, water bodies, etc.): _____

APPROVAL CRITERIA

Lane Code 16.212(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below will not be given unless any additional taxes imposed on the change in use have been paid. On January 2, 2024, the provisions in LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No. 14-08).

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

- (i) The property owner provides (check one):
 - ___ (aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

- ___ (bb) **Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property; and**
- ___ (cc) **The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.**

Explain the evidence you are submitting. Your evidence must show when the dwelling was lawfully built. If the dwelling is a manufactured dwelling, please provide evidence when it was lawfully placed and that it has continued to remain on the property. Indicate if you are submitting building permit/land use records, or records from the Assessment and Taxation Office.

(ii) Does the dwelling have:

- | | | |
|--|-----|----|
| (aa) intact exterior walls and roof structure; | Yes | No |
| (bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; | Yes | No |
| (cc) interior wiring for interior lights; and | Yes | No |
| (dd) a heating system; | Yes | No |

Submit pictures of the dwelling to support your answers. Include pictures of the kitchen, bathroom, interior lights, heating system and exterior of the dwelling.

(iii) In the case of replacement, the new dwelling must be sited in the same site as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, “the same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

How far will the new dwelling be from the center of the existing dwelling? _____

(iv) In the case of replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

- (aa) **The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.**
- (bb) **If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.**

What will you do with the existing dwelling? Remove Demolish Convert

Explain your answer: _____

(v) A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling;

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

Was the existing dwelling approved as an accessory farm dwelling? Yes No

(vii) LC 16.212(10)(h) below; and

“The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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 your application is approved, you will need to sign and record a “Farm and Forest Management Agreement”.

(viii) The approval described in LC 16.212(5)(a) above is not subject to LC 14.700 and does not expire.

This land use approval does not expire.

SITING CRITERIA

Lane Code 16.212(10)

Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

Note: Subsection (a) is only required for uses that require notice and the opportunity for appeal or a hearing. Per LC 16.212(5)(a), notice is not required for this application. Subsection (a) is not applicable for this application.

(b) **Property Line Setbacks.** No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

Does the property front County Right-of-way? Yes No

If yes, what is the distance from the proposed dwelling to the County Right-of-way? _____ Feet

How far is the proposed dwelling from the northern property line? _____ Feet

How far is the proposed dwelling from the eastern property line? _____ Feet

How far is the proposed dwelling from the southern property line? _____ Feet

How far is the proposed dwelling from the western property line? _____ Feet

(c) **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 100 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 100 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.

(d) 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.

Is there a designated Class 1 stream on the property? Yes No

If yes, how far will the dwelling be from the Class 1 stream? _____ Feet