

Date Received:

LAND MANAGEMENT DIVISION



LAND USE APPLICATION - DIRECTOR  
Measure 49 Farm Zone Dwelling

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only: FILE #

FEE:\*

\*No fee if submitted with an M49 Preliminary Partition Application

Applicant (print name): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Agent (print name): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Agent Signature: \_\_\_\_\_

Claimant (print name): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Claimant Signature: \_\_\_\_\_

Land Owner (print name): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Land Owner Signature: \_\_\_\_\_

**PROPOSAL:** A Request for Director Approval of a Measure 49 dwelling in the Exclusive Farm Use Zone, pursuant to the siting criteria of Lane Code 16.212(10).

**LOCATION:**

\_\_\_\_\_  
Township      Range      Section      Taxlot

\_\_\_\_\_  
Site address

## REQUIRED SUBMITTALS

- \_\_\_ (1) Completed Measure 49 Farm or Forest Zone Dwelling application form addressing siting criteria
- \_\_\_ (2) Site Plan. Refer to the handout entitled "How to prepare your plot plan". Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.
- \_\_\_ (3) Copy of DLCD Final Order and Home Site Authorization
- \_\_\_ (4) Written statement addressing compliance with all Home Site Authorization terms included in the DLCD Final Order and Home Site Authorization
- \_\_\_ (5) Documentation of transfer of ownership if Property Owner is someone other than Claimant

## PROPERTY INFORMATION

ZONING \_\_\_\_\_

ACREAGE: \_\_\_\_\_

**ADJOINING OWNERSHIP** Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

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## GENERAL ACCESS REQUIREMENTS

**Lane Code 15.135.** All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement. The access to the homesite must pass a two part test. First, the homesite must have legal access. Second, that access must be reasonably safe and useable.

**First:** A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel: (check the one that applies)

- \_\_\_ (A) Was created in an approved and recorded land division; or
- \_\_\_ (B) Is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or
- \_\_\_ (C) Is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or
- \_\_\_ (D) Is served by a Private Access Easement meeting the requirements of LC 15.055; or
- \_\_\_ (E) Is adjacent to a state road and meets any applicable state access and permit requirements.

**Second:** A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is: (check the one that applies)

\_\_\_ (A) a County-maintained road or State-maintained road; or

\_\_\_ (B) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and any applicable dedication and improvement requirements of this chapter are met.

**EXISTING IMPROVEMENTS** Does the property contain any roads, structures, etc.?

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**NUMBER OF EXISTING DWELLINGS ON PARCEL:** \_\_\_\_\_

**PHYSICAL FEATURES:** Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

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<b>SITING CRITERIA</b>
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**LC 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. Uses or activities allowed by LC 16.212(4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(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.

(i) Dwellings to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

**(aa) Near dwellings on other tracts.**

**(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.**

**(cc) Where possible, when considering LC 16.212(10)(a) (i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.**

Is the property within a "Major" wildlife Habitat area?    Yes    No

If yes, please explain how the dwelling complies with the above criteria: \_\_\_\_\_

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**(ii) Dwellings to be sited upon all other tracts shall be sited as follows:**

**(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.**

On the site plan, show the new dwelling and the property lines.

Is the dwelling within 500 feet of adjoining property zoned F-1?    Yes    No

If yes, explain: \_\_\_\_\_

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Is the dwelling within 100 feet of adjoining property zoned F-2 or EFU?    Yes    No

If yes, explain: \_\_\_\_\_

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**(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.**

Please explain how the proposed dwelling site complies with this requirement: \_\_\_\_\_

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**(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.**

The new dwelling must be at least 10 feet from any property line, and 20 feet from the right-of-way of a state road, County road or a local access public road. Some roads have additional setback requirements. Refer to Lane Code Chapter 15 for additional road setbacks.

**(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 seasonal creek, stream, pond or other water body on the property?      Yes                      No

If so, it must be indicated on the site plan. The dwelling must be at least 100 feet from the ordinary high water mark of a Class I stream. The location of the ordinary high water mark is determined by planning staff. A "Riparian Declaration" application is required if the dwelling is within 125 feet of the ordinary high water mark. You will be notified if a riparian declaration is required.