

LAND MANAGEMENT DIVISION



LAND USE APPLICATION - ADMINISTRATIVE
Land Use Compatibility Statement
Private Property Burials

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 541-682-3577

For Office Use Only: FILE #

FEE:

Applicant (print name):

Mailing address:

Phone: Email:

Applicant Signature:

Land Owner (print name):

Mailing address:

Phone: Email:

Owner's Signature:

PROPERTY LOCATION

Township Range Section Taxlot Subdivision/partition lot/parcel block

Site address

Through applying for this application, as the owner of the property, I am requesting written consent from Lane County for the burial of human remains on my property in accordance with ORS (Oregon Revised Statutes) 97.460.

SUBMIT:

- A Property Site Plan indicating location of burial. The Site Plan shall comply with our "How to Draw a Site Plan" Handout. The Site Plan shall show the entire property indicating location of burial, setbacks to property lines, structures, septic system(s), and well(s) located on the subject property. If there are multiple burial sites on the property, show all sites.
- Submit a copy of the recorded Private Burial Covenant with attached exhibits.

Four horizontal lines for signature or additional information.

For information on private property burials contact the Oregon Mortuary & Cemetery Board staff directly by calling 971-673-1500, or visit their website at: [www.oregon.gov/mortcem](http://www.oregon.gov/mortcem)

Lane County recommends you **Call Before You Dig at 811 or 1-800-332-2344**. Calling before beginning any excavation prevents damage to underground facilities, service interruptions & bodily injury - See more at: <http://www.callbeforeyoudig.org>

\*\*Please keep in mind if the property changes ownership at a later date you may want to record an easement agreement to provide you access to the site.

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**Q: How many people can be buried on my property?**

**A: As long as they are family members, there is no limit. This application is only for 1 person.**

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Name of Deceased Person: \_\_\_\_\_

Relationship of Deceased Person to Property Owner: \_\_\_\_\_  
(*must be a family member*)

**ORS 97.460 states:**

**(1) A person may not lay out, open up or use any property for cemetery or burial park purposes, unless the person:**

**(a) Is the owner of the property;**

**(b) Has the written consent of the planning commission of the county or city having jurisdiction under ORS 92.042 or, if there is no such commission in such county or city, the governing body of such county or city;**

**(c) Agrees to maintain records of the disposition of human remains on the property as required by the planning commission or governing body of the county or city having jurisdiction under ORS 92.042; and**

**(d) Agrees to disclose the disposition of human remains upon sale of the property. Failure to disclose the disposition of human remains does not invalidate the sale of the property.**

**(2) A planning commission of a county or city or, if there is no planning commission in a county or city, the governing body of the county or city, shall provide to the State Mortuary and Cemetery Board a list of the requirements for laying out, opening up or using property in the county or city for cemetery or burial park purposes.**

I, the property owner or authorized agent agree to the above regulations related to the requirements of Private Property Burials.

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Owner or Authorized Agent's Signature

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Date

**STAFF DETERMINATION:**

- Property Site Plan indicating location of burial, setbacks to property lines, structures, septic system(s), water bodies, and well(s) located on the subject property.
- Recorded Private Burial Covenant
- Death Certificate, optional
- Recorded Access Easement, optional

Lane County Staff certifies that the property owner has consent to do a Private Property Burial in accordance with ORS 97.460. The Burial shall be consistent with the approved site plan.

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Lane County Staff

Date

After Recording Return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recording Label Here

**PRIVATE BURIAL COVENANT**

The undersigned person(s), \_\_\_\_\_(print name(s)), the "OWNER(S)" of real property located in Lane County, Oregon and more particularly identified as Map No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_, Tax lot \_\_\_\_\_ as described on Exhibit "A", (legal description obtained from Lane County Assessment and Taxation) hereby make the following restrictive covenant for the above-described real property, specifying that the covenant shall constitute a covenant to run with all of the land and shall be binding on all persons claiming under such land and that these restrictions shall be for the benefit of and limitation upon all future owners of said real property.

The following restrictive covenants hereafter bind the subject property:

1. As provided by ORS 97.040, the property has been used as a private family ground, where human remains have been buried. The specific location of the burial site is shown on a site plan (as attached on exhibit "B").

Lane County Land Management Permit Number: \_\_\_\_\_

2. Pursuant to ORS 97.010 and 692.010, the burial site identified in paragraph 1 does not dedicate the subject property, or any portion of the property, for cemetery or burial park purposes.

3. Pursuant to ORS 92.010, the use of the property as a burial site does not act as a division of land.

This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time.

The undersigned OWNER(S) further declare and agree that they have read and understood this Declaration and Covenant and has signed the same of Owner(s)'own free will.

Owner Name(s) (please print): \_\_\_\_\_

Owner Signature(s): \_\_\_\_\_ Date \_\_\_\_\_

STATE OF OREGON                    )  
  ) SS.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of

\_\_\_\_\_, 20\_\_ by \_\_\_\_\_,  
(Owners Name)

X  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires: \_\_\_\_\_