

LAND MANAGEMENT DIVISION



DWELLINGS in the IMPACTED FOREST (F-2) ZONE

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This guide outlines zoning and land use laws concerning new and existing dwellings in the F-2 (Impacted) Forest Zone. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations. Specific language is found in Lane Code (LC) 16.211, Oregon Revised Statutes (ORS) 215, and Oregon Administrative Rules (OAR) 660-006.

The F-2 zone is predominately developed with residences or nonforest uses. It is provided with a level of public facilities intended primarily for rural residences. This handout summarizes the regulations applicable to dwellings in this zone. Refer to the specific language of the code for exceptions and more details.

REPLACEMENT RIGHT: LC 16.211(2)-2.5

The F-2 zone has provisions for the alteration, restoration, or replacement of an existing dwelling. Type I or II Review is required. The structure must meet the definition of a dwelling and be lawfully established.

"Lawfully established": the dwelling was built and placed on the land consistent with the laws and regulations applicable at the time the structure was first used as a dwelling. To be considered a dwelling, the structure must have intact exterior walls and roof structure, indoor plumbing, interior wiring for lights and a heating system.

There are two location options for replacement dwellings:

- 1) 'same site' or
- 2) new site.

The term "same site" is defined as a square, with dimensions of 200 feet, centered on the footprint of the established dwelling. To qualify as 'same site', the replacement dwelling must be located partially or entirely within the 'same site' area.

Type I Review (no notice) is allowed if a building permit or tax records are used to show the existing dwelling was lawfully established and the proposed dwelling is located in the 'same site'. Staff must be able to rely on clear and objective information. Type I applications may not be appealed at the local level.

Type II Review is required if other evidence is used or the proposed dwelling is located outside of the 'same site' (aka new site). Type II review is also required if the owner proposes to convert the existing dwelling to a nonresidential use. **Mailed public notice is required** for this review. Type II applications may be appealed to the Lane County Hearings Official pursuant to LC Chapter 14.

Within three months of completion of the new dwelling (certificate of occupancy), the previous dwelling must be removed from the property, demolished or converted to an

allowed nonresidential use. Necessary building permits must be obtained.

NEW DWELLINGS

New dwellings require Type II Review. For tracts greater than 10 acres, the landowner must replant the tract to meet Department of Forestry stocking requirements.

TEMPLATE: LC 16.211(2)-2.4

A new single-family dwelling is allowed on a tract that meets certain soil capabilities and does not have any other dwellings. Minimum parcelization and surrounding development thresholds must be met within a 160-acre square that is centered on the subject tract. There are many detailed requirements for meeting this standard. Refer to LC 16.211(5)(c) for specific language.

LOT OF RECORD: LC 16.211(2)-2.3

A new single-family dwelling is allowed on a lawfully established unit of land that has been owned continuously by the present owner since prior to January 1, 1985. The tract cannot contain any other dwellings and must be comprised of soils that can produce no more than 5,000 cubic feet per year of commercial tree species. In addition, the tract must be located within 1,500 feet of a public road that is maintained to specific standards. If the tract is comprised of multiple tax lots, they must be consolidated into a single tax lot.

LARGE TRACT: LC 16.211(2)-2.2

There are two Large Tract dwelling options allowed; 1) on a legal lot that contains at least 160 acres, or 2) on a legal lot where the ownership contains at least 200 acres that are not contiguous but are in the same county or adjacent counties and zoned for forest use. The tract cannot contain any other dwellings.

TEMPORARY MEDICAL HARDSHIP DWELLING: LC 16.211(2)-2.6

The F-2 zone has a provision for the temporary placement of a manufactured home or recreational vehicle for a medical hardship or care for a family member. Director approval is required. The temporary dwelling must hook to the existing septic system. Approval is valid until December 31 of the following year. It can be renewed for two years at a time. The

temporary dwelling must be removed within 90 days once the hardship is over.

