

LAND MANAGEMENT DIVISION



**TYPE II LAND USE APPLICATION –  
Temporary Hardship Dwelling  
Exclusive Farm Use Zone (EFU)**

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

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: \_\_\_\_\_

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

**LOCATION**

Assessor's Map and Taxlot Number

Site address

**PROPOSAL:** A Request for Type II decision of a Temporary Hardship Dwelling, pursuant to Lane Code 16.212(3)-2.9.

**REQUIRED SUBMITTALS**

(Also reference the Application Standards handout)

**Lane Code 14.020 (3)(b) Electronic Materials.**

- (i) When application or appeal materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received by the Director or not confirmed by the Director to have been received.
- (ii) When electronic materials over five pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.

**Lane Code 14.040 Application Requirements**

- (1) **Minimum Submittal Requirements.** Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:

- (a) Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size;
- (b) All applicable information requested on the application form;
- (c) Required filing fee, except that the required filing fee may not be required when Lane County initiates an application;
- (d) Signature of each applicant;
- (e) Signature of a property owner or property owner's authorized representative;
- (f) Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor's records;
- (g) Assessor's map and tax lot number of the subject property;
- (h) A site plan drawn to a standard engineer's scale, and conforming to the County's site plan submittal standards;  

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.
- (i) Information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property;
- (j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;
- (k) Supporting information required to evaluate the application and address the applicable standards and criteria;
- (l) A written statement indicating whether a railroad-highway crossing provides or will provide the only access to land that is the subject of an application; and

Does a railroad-highway crossing provide the only access to the subject property?

Yes \_\_\_ No \_\_\_

- (m) Additional information needed to evaluate applicable standards and criteria.
- (2) Fees Required. In addition to any other applicable approval criteria, an approvable Type II or III application must be accompanied by the appropriate filing fee unless the Director authorizes a waiver or reduction to filing fees pursuant to Lane Manual Chapter 60.850.
- (3) Determination of Application Requirements. The Director may waive any of the requirements of subsection (1) above if deemed to be inapplicable to the application.
- (4) Applicant's Burden. It is the applicant's responsibility to provide evidence demonstrating that the application complies with all applicable standards and criteria.

**ADDITIONAL INFORMATION REQUESTED FOR THIS APPLICATION:**

**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.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>APPROVAL CRITERIA</b>
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Lane Code 16.212(3) contains the Exclusive Farm Use (EFU) Zone Table of Permitted Uses. Use 2.9, a temporary hardship dwelling, is subject to (4)(z), (5), and (8)(c).

**(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 approved, it will be made a condition of approval that this required deed must be recorded prior to submitting a building permit.

**(5) Conditional Use Review Criteria**

**An applicant for a Conditional Use permitted in Table 16.212-1 of this Chapter must demonstrate compliance with the following criteria.**

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**

Explain how the proposed Hardship Dwelling will comply with the above criterion.

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- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm and forest use.**

Explain how the proposed Hardship Dwelling will comply with the above criterion.

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**(8) Accessory Dwellings**

- (c) A temporary hardship dwelling is subject to the following:**
  - (i) One manufactured dwelling, or one recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**

What type of temporary dwelling are you proposing? (Staff highly suggests consulting with Lane County Building staff on permitting requirements prior to choosing any of these options) (Pick one)

- Manufactured dwelling;
- Recreational vehicle; or
- Conversion of an existing building into a dwelling.

If choosing this option, what building are you proposing to temporarily convert to a dwelling? Is there a building permit associated with it?

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Explain how the proposed hardship dwelling is in reasonably close proximity to the existing dwelling:

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Have you attached the "Physician's Certification" that shows the person has a medical hardship?

Yes  No If no, why? \_\_\_\_\_

Relation of person with Medical Hardship to existing resident: \_\_\_\_\_ is a Resident

____ Child	____ Grandparent	____ Niece
____ Parent	____ Step grandparent	____ Nephew
____ Stepparent	____ Sibling	
____ Grandchild	____ Stepsibling	

Name of Caregiver: \_\_\_\_\_

**(aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;**

Will the hardship dwelling use the same subsurface sewage disposal system as the main dwelling?

\_\_\_\_ Yes    \_\_\_\_ No    If no, why? \_\_\_\_\_

Will the hardship dwelling be connected to a public sanitary sewer system?    \_\_\_\_ Yes    \_\_\_\_ No

**(bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and**

**(cc) Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle must be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.**

**(ii) A temporary residence approved under this Section is not eligible for replacement under Section (6). Department of Environmental Quality review and removal requirements also apply.**

**(iii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.**

<b>Development Standards</b>
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**Lane Code 16.212(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).

**(a) For approval of a use or activity allowed by LC 16.212 that requires a Type II or Type III review, the Approval Authority must balance the setback requirements of LC 16.212(15)(b) with the applicable approval standards of LC 16.212(3) and (6) through (14) 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 and development accessory to residential uses to be siting upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as “Major” must 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(15)(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? (See the Planner on Duty to determine if your property is within a Major Wildlife Habitat area.) Yes \_\_\_ No \_\_\_

If yes, will the dwelling be near other dwellings on adjacent property?

Explain: \_\_\_\_\_

If yes, will the dwelling be located near dwellings on other tracts?

Explain: \_\_\_\_\_

**(ii) Dwellings and development accessory to residential uses to be sited upon all of tracts must 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.
- (bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

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

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

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

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

How is the dwelling located on the least valuable farm or forest areas of the tract?

**(b) All uses, activities, and structures allowed by LC 16.212 must comply with:**

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

**(ii) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a Riparian Modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.**

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



# PHYSICIAN'S CERTIFICATE

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

This form must be completed and signed by your physician, therapist or professional counselor and submitted with your application for a Temporary Medical Hardship Dwelling.

TEMPORARY USE OF A MANUFACTURED HOME, RV, or CONVERSION OF AN EXISTING STRUCTURE INTO A DWELLING DURING A MEDICAL HARDSHIP. The use of a manufactured home, Recreational Vehicle (RV), or the conversion of an existing structure to a dwelling on a temporary basis during a medical hardship may be allowed. A permit may be granted for a period of not more than two years and may be renewed for successive periods of two years, (2 years) if evidence is provided that the hardship condition continues to exist.

In considering this request, it must be found that the hardship condition relates to the aged, the infirm, or to persons otherwise incapable of maintaining a complete, separate and detached residence, and also whether the requested use will be relatively temporary in nature. It is not the intent of this provision to subvert the intent of the zoning laws by permitting more than one permanent residence on each property. In granting the request for temporary use of a hardship dwelling, conditions may be imposed that will preclude the possibility of such a temporary use becoming permanent.

Below is the form that shows the physician, therapist or professional counselor is convinced the person with the hardship must be provided the care so frequently or in such a manner that the caretaker must reside on the same premises.

**TO BE COMPLETED BY PHYSICIAN, THERAPIST OR PROFESSIONAL COUNSELOR**

This is to certify that the person listed below is my patient:

\_\_\_\_\_

(Please print or type name of patient)

It is my opinion that this person has a medical or physical hardship that requires care and attention in the fashion described above, and the named patient should be permitted to reside near a caretaker in order to facilitate proper care.

Physician Signature: \_\_\_\_\_ Date \_\_\_\_\_

Physician Name: \_\_\_\_\_ ID/License # \_\_\_\_\_  
(Please Print or Type)

Address: \_\_\_\_\_ Phone # ( ) \_\_\_\_\_