

Date Received:

LAND MANAGEMENT DIVISION



TYPE II APPLICATION - Wildfire Temporary Storage and Staging Sites (RR/RC/RI)

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

Assessor's Map and Taxlot Number

Site address

PROPOSAL: A request for Type II determination to establish a temporary storage site for nonhazardous debris, construction materials and equipment, logs or other materials resulting from recovery efforts or otherwise associated with damage caused by the September 2020 wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 subject to Department of Environmental Quality requirements and all other applicable provisions of law for lands in rural residential, commercial or industrial exception areas.

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.): _____

APPROVAL CRITERIA

OAD 660-004-0040 (14) / OAR 660-004-0050 (3)

A county may approve the uses listed in subsections (a), (b), and (c) without amendments to the county plan or land use regulations when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county and, furthermore, has resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. A county must process applications filed pursuant to this section in the manner identified at ORS 215.416(11).

(c) Temporary storage site for nonhazardous debris, construction materials and equipment, logs or other materials resulting from recovery efforts or otherwise associated with damage caused by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 subject to Department of Environmental Quality requirements and all other applicable provisions of law.

Please explain what debris, construction materials and equipment, logs or other materials will be temporarily stored on the site:

Please explain how the temporary storage site is related to recovery efforts or otherwise associated with damage caused by the September 2020 wildfire described in subsection (c) above?

Will you be constructing a building for the storage site? Yes _____ No _____

If yes, please be advised that the building is only temporarily allowed subject to the timelines described below, in section (d)(B). If a temporary structure is proposed, a building permit will be required and upon completion of the structure, a Temporary Certificate of Occupancy will be issued. Upon expiration of the timeline, the structure must be removed with a demolition permit or the structure must be converted to an allowable use subject to all applicable provisions of law. Please complete the certification on the last page of this application to acknowledge that you understand the restrictions of building a structure allowed by this statute.

*It is highly advised that you consult with both the **Planner on Duty and the Builder on Duty** regarding this requirement prior to filing this application. Please see the Temporary Storage on Wildfire-Affected Properties handout for more information on the Building Department's process regarding these structures.*

Will you be disturbing more than one (1) acre of land (example: building site or material storage site)?

Yes _____ No _____ How Much? _____ (approximate square footage)

If disturbing more than one (1) acre of land, a Department of Environmental Quality (DEQ) 1200-C Permit may be required for the proposal. Please consult with DEQ.

(d) Uses approved under this section:

(A) Shall be consistent with all applicable provisions of law including, but not limited to adopted comprehensive plan provisions and land use regulations adopted to protect people and property from flood, geologic, and wildfire hazards; and

If the proposal is approved and must be located within a special flood hazard area, a Floodplain Development or Floodplain Fill/Removal permit will be required to document the location of debris, materials or equipment within the floodplain. Compliance with any applicable Lane County Building or Sanitation program standards will also be required. Approval of this permit will be conditioned on compliance with all standards and regulations as required by law.

(B) Are to be removed or converted to an allowed use within 36 months from the date of the Governor's emergency declaration. A county may grant two additional 12-month extensions upon a demonstration by the applicant that uses approved pursuant to subsections (a) and (b) remain necessary because permanent housing units replacing those lost to the natural hazard event are not available in sufficient quantities, or for uses approved pursuant to subsection (c), that the use remains necessary because debris removal or other recovery activities remain ongoing.

Temporary storage sites for areas impacted by wildfires identified by OAR 660-004-0040 (14) / OAR 660-004-0050 (3) are currently allowed through September 8, 2023. The County may grant two additional 12-month extensions upon a demonstration by the applicant that the use remains necessary for the reasons provided in section (B) above.

Acknowledgement of Temporary Structure

By signing below I acknowledge that I have fully read and understand that the proposed storage site allowed by Oregon Administrative Rule (OAR) 660-004-0040(14) or 660-004-0050(3) will be temporary in nature and must be removed or converted to an allowable use within 36 months from the date of the Governor's emergency declaration, or upon expiration of a 12 month extension granted by the County pursuant to applicable law. I acknowledge and understand that such provisions of law will apply to future owners of the subject property if sold prior to the expiration of those deadlines described within this paragraph.

Subject Property: (Assessor's Map and Tax Lot number)

Property Owner (printed)

Date

Property Owner (signature)

Date



LAND MANAGEMENT DIVISION

TEMPORARY STORAGE ON WILDFIRE-AFFECTED PROPERTIES

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408
PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754

This handout outlines land use laws and Building Codes concerning temporary storage sites in the Rural Residential Zone (RR-RCP), Rural Commercial Zone (RC-RCP), and Rural Industrial Zone (RI-RCP) after the Holiday Farm Fire. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations.

TEMPORARY STORAGE/STAGING

On July 22, 2021, the Oregon Land Conservation and Development Commission (LCDC) adopted revisions to a series of Oregon Administrative Rules (OAR) pertaining to rural lands affected by the 2020 wildfires. The new rules create opportunities for counties to approve staging sites and storage buildings for non-hazardous debris or construction equipment and materials needed for wildfire recovery.

OAR 660-004-0040 (14) / OAR 660-004-0050 (3) allow for a temporary storage site for nonhazardous debris, construction materials and equipment, logs, or other materials resulting from recovery efforts or otherwise associated with damage caused by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610.

Lane County may approve temporary storage or staging sites on lands zoned Rural Residential (RR), Rural Commercial (RC), or Rural Industrial (RI) in areas outside of unincorporated communities. A Type II application will be required in order to approve the temporary use. As part of the Type II application, a temporary building may be proposed for the temporary storage or staging use.

If the Type II application is approved, applicants must then obtain building permits from Lane County and complete all necessary inspections. When inspections are complete, the building will be given a Temporary Certificate of Occupancy (TCO). The requirement for a building permit would be made a condition of approval of the Type II land use decision.

Pursuant to the State rules, approval of temporary storage uses is allowed through September 8, 2023 with allowances for two 12-month extensions. If the Type II land use proposal is approved and a TCO is issued, **temporary buildings must be removed or converted to an allowable use by September 8, 2023.** This can be extended to 2023 or 2024 depending if one year extensions are obtained.

CONVERSION / REMOVAL

A temporary storage/staging structure may be converted to an allowable use with approvals and payment of necessary permit fees.

If the owner builds a primary dwelling, it may be possible for the temporary structure to be converted to an accessory structure if it meets all land use and building code requirements in effect at that time. If you intend to convert the temporary structure into a permanent structure in the future, please consult with Planning and Building staff about the requirements for the future use. You may want to ensure that the temporary structure does not conflict with future planned development, including dwellings, septic systems, wells, or other desired property features. Additionally, the allowances for conversion will be based on zoning and development standards in effect at the time of conversion. Please work closely with Planning and Building staff to confirm which standards will apply at that time. Please note that approval of the Type II application will not guarantee that conversion will be guaranteed in the future and separate permitting processes may be necessary.

If you do not place a dwelling by September of 2025, the temporary structure must be removed. You must obtain a demolition permit and pay the necessary permit fees to Lane County by September 8, 2025. Failure to do so may result in compliance actions.

If the property is sold, the same restrictions for the use and timeline of the temporary structure apply to the new owners.

LAND USE REQUIREMENTS

Temporary storage/staging structures must meet all applicable land use regulations, including setbacks from property lines, roads, and other structures; and setbacks from environmental features such as riparian areas and floodplains. If a storage building is proposed inside the floodplain, a floodplain development permit will be required before the structure can be placed.

A planner can help you determine whether your property is eligible for a temporary storage structure. See office hours and locations at the end of this handout.

Version 11/2021

BUILDING CODE REQUIREMENTS

Temporary structures follow the same building code requirements as those that apply for a Residential Accessory Structure (RACC), including:

- The structure must be built in compliance with current Oregon Residential Specialty Code.
- The structure must be for an allowed use, and must meet all access requirements and fire code requirements.
- Square footage is limited to 2,000 sq.ft. without a geotechnical report for properties with geotechnical risks, and 3,000 sq. ft. area limitation as per R328.4 ORSC 2021.

If the building will be converted to an allowable use, the property owner must meet with Planning, Sanitation, and Building department representatives for approval to convert the temporary structure to an allowed RACC use after the issuance of a building permit for the Single Family Dwelling. (see more discussion above).

Once the approval from Planning, Sanitation, and Building has been obtained, the Building Official will remove the Temporary Certificate of Occupancy and grant the final Certificate of Occupancy for the structure as a permanent RACC building.

FOR MORE INFORMATION

Please visit with the Planner on Duty and the Builder on Duty if you have questions about these rules or wish to apply for a temporary storage site.

The Planner on Duty can be reached at 541-682-3577; the Builder on Duty can be reached at 541-682-4651.

You may also visit in person at the locations and times listed below:

Upriver Locations - drop in

Lane County staff are at the McKenzie School new gym (51187 Blue River Dr.) each Tuesday between 10 a.m. and 3 p.m., and at the Leaburg Fire Station (42870 McKenzie Hwy) each Thursday between 9:30 a.m. and 12:00 p.m.

Customer Service Center - drop in

The Customer Service Center (3050 N. Delta Highway, Eugene) is also open for drop-in consultations for all customers from 9:00 a.m. to 3:00 p.m., Monday-Friday.