

Date Received:

LAND MANAGEMENT DIVISION



**TYPE II APPLICATION -
Wildfire Temporary Residential Use for
Exception Areas (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 temporary residential uses in conjunction with a dwelling that either existed or had land use approval to be constructed on July 5, 2020 provided that such uses are located outside of flood, geological, or wildfire hazard areas to the extent possible 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

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

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).

(a) Temporary residential uses in conjunction with a dwelling that either existed or had received land use approval to be constructed on July 5, 2020 provided that such uses are located outside of flood, geological, or wildfire hazard areas identified in adopted comprehensive plans and land use regulations to the extent possible and are limited to:

If your dwelling was destroyed by a 2020 Wildfire, provide evidence that it existed on July 5, 2020. This evidence may be records from the Lane County Assessment and Taxation Office indicating that a dwelling had existed on the property.

If on July 5, 2020, your dwelling had received land use approval to be constructed, please provide a copy of such approval. This can be evidenced by an issued Type I or II land use approval, building permit, or planning authorization.

Please see the Planner on Duty if you need assistance obtaining this information.

Explain the evidence that you are submitting: _____

- (A) A single manufactured dwelling;**
- (B) Use of an existing building or buildings;**
- (C) A single yurt;**
- (D) Up to three recreational vehicles; or**
- (E) Up to three fabric structure, tents and similar accommodations.**

Which of the above options are you proposing? _____

Will the temporary residential use be located in an area subject to flood, geological, or wildfire hazard areas identified in adopted comprehensive plans and land use regulations? Yes ___ No ___

If yes, which hazard? Please explain how the use is located outside of the hazard area to the extent possible.

(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 permit will be required so that the proposed use is reasonably safe from flooding. Compliance with any applicable Lane County Building or Sanitation program standards will also be required. These requirements will be made conditions of approval of this permit.

(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.

Approval of temporary residential uses are allowed through September 8, 2023 with allowances for two 12-month extensions. If the proposal is approved, (B) above will be made a condition of approval.