

LAND MANAGEMENT DIVISION

Date Received:



TYPE I APPLICATION –
Complex Zoning Determination for
Rural Accessory Dwelling Unit (ADU)

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 & Tax Lot Number

Site address

PROPOSAL: A Request for Type I determination to allow a rural Accessory Dwelling Unit (ADU) in the Rural Residential Zone, pursuant to Lane Code 16.290(8)

This application is based on objective evidence and is not a land use decision; therefore, it is not subject to public notice.

**REQUIRED SUBMITTALS**

(Also reference the Application Standards handout)

**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, and an electronic copy if required by LC 14.020(3)(b);
  - (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 Site 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;  
*Please provide a floor plan of the ADU drawn to a standard engineer’s scale.*
  - (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.
- (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: \_\_\_\_\_

*Pursuant to LC 16.290(8)(c)(i) an ADU is only allowed on properties at least two (2) acres in size.*

**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, drain fields)? Will any structure or improvement be removed or 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**

**Lane Code 16.290(8)(c) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:**

Are you proposing a new ADU or a historic dwelling converted to an ADU?

New ADU \_\_\_\_\_ Conversion of a historic dwelling to an ADU \_\_\_\_\_

**(i) The lot or parcel is at least two acres in size;**

How many acres is the subject property? \_\_\_\_\_ acres

**(ii) At least one single-family dwelling is sited on the lot or parcel;**

Is there an existing single-family dwelling on the property?

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

*If there is not an existing single-family dwelling currently on the property, one must be proposed to be constructed at the same time as the ADU or be constructed prior to application for an ADU.*

If the dwelling is existing, what is the building permit number? \_\_\_\_\_

If the dwelling is existing and does not have a building permit, how is the dwelling lawfully existing? Please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;**

Is the property located within an urban reserves area?

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

*Work with the Planner-on-Duty to determine if your property is within an urban reserves area.*

**(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,**

*Compliance with Lane County On-Site Wastewater Program requirements will be verified throughout the building permit process. Please contact the On-Site Wastewater Program at 541-682-3754 to determine what requirements apply to the proposal.*

**(v) The ADU must comply with the property development standards of LC 16.290(7).**

*See the "Siting Criteria" section below.*

**(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.**

*A land division that separates the primary single-family dwelling from the ADU will not be permitted. This criterion will be made a condition of approval.*

**(vii) Only one ADU as defined by LC 16.290(8)(b)(i) and allowed by LC 16.290(2)(v) is allowed on a qualifying lot or parcel.**

*Only one ADU is allowed per lot or parcel. This criterion will be made a condition of approval.*

**(viii) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.**

**(ix) The provisions of LC 16.290(8) do not apply to guest houses or accessory residential structures, as allowed by LC 16.290(2)(u).**

**(x) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.**

Is the property located within an unincorporated community?

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

*If necessary, please contact the Planner on Duty to obtain this information. If "yes", please answer the following questions. If "no", move on to "APPROVAL CRITERIA FOR A NEW ADU."*

Is the ADU served by an individual well or a public/community water system? If a public/community system, which one?

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*Please attach evidence that the service agency is able to serve the proposed development.*

*If served by an individual well, compliance with Lane Manual 9.005.160 is required.*

**Lane Manual 9.005.160 – Application for Individual Water Supply Systems.**

**A. All applications for construction of new systems shall include plans and specifications indicating information on source and a copy of the well log certified by a water supply systems contractor that:**

- 1. Each well is capable of producing a sustained yield of five (5) gallons per minute for a duration of not less than five (5) hours of continuous pumping.**

Does the well log provided demonstrate that the well is capable of producing a yield of five gallons per minute for a not less than five hours? Please attach the well log.

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

If the answer above is "no", please see Lane Manual 9.005.160 for additional requirements.

**APPROVAL CRITERIA FOR A STANDARD ADU\*\***

**Lane Code 16.290(8)(c)(xi) An ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and must meet all of the following standards:**

*\*\*The following requirements only apply to standard (newly established) ADUs. A "standard ADU" does not include proposals to convert an existing structure (separate from the historic home conversion to an ADU) to an ADU and conversions must still meet the following requirements. The criteria for a conversion of a historic dwelling to an ADU are addressed in subsection (xii). If applying for conversion of a historic home, skip to "APPROVAL CRITERIA FOR CONVERSION OF A HISTORIC HOME TO AN ADU" below.*

Are you proposing a new ADU? Yes \_\_\_ No \_\_\_

**(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.**

How far from the existing single-family dwelling (measure from wall) is the proposed ADU (useable floor area)? \_\_\_\_\_ Feet

*Please provide a scaled site plan that demonstrates this standard is met.*

**(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.290(8)(b)(vi).**

*"Useable floor area" means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.*

How many square feet is the usable floor area of the proposed ADU? \_\_\_\_\_ Sq. Ft.

*Please provide a **scaled floor plan** for the proposed ADU.*

**(cc) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.**

Is the existing single-family dwelling subject to an order declaring a nuisance or Lane County compliance action? Please explain.

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

**(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.**

Is the subject property within a fire protection district?

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

If yes, which one? \_\_\_\_\_

**(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.**

Have you included a written certification with this application? Yes \_\_\_ No \_\_\_

*Please provide a Fire District Certification for Maintained Roads or Non-Maintained Roads form.*

**(ff) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, “safe evacuation” means an identified route for evacuation from the ADU to the staged evacuation area. “Staged evacuation area” means a public or private location that occupants of the ADU may evacuate to.**

*Please describe the evacuation plan for the property, including identifying staged evacuation areas. Attach additional pages and/or materials if necessary (such as a map of the staged evacuation location/area).*

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**(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.**

Does the owner of the property where the ADU is sited also own the staged evacuation area property?

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

*If the owner of the ADU property is different from the owner of the staged evacuation area property, please provide a signed authorization from the property owner of the staged evacuation area, attached to your application.*

**(B) A determination by the County that an evacuation plan meets the requirements of LC 16.290(8)(c)(xi)(ff) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.**

*This criterion will be made a condition of approval.*

**(gg) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.**

*Lane County does not currently have any areas of critical state concern.*

**(hh) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.**

*This criterion will be made a condition of approval.*

**(ii) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii).**

*This will be made a condition of approval. The applicant must provide a copy of the recorded covenant before the certification of occupancy can be issued for the ADU. A sample covenant will be provided with the conditions of approval for this permit.*

**(jj) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).**

*Per Department of Oregon Water Resources rules, if a second well is drilled to serve the ADU, it may not qualify as an additional exempt use for domestic purposes. Please contact the Water Resources Department for more information on water supply for ADUs. This criterion will be made a condition of approval.*

**(kk) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**

**(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or**

**(B) No statewide wildfire hazard map has been adopted.**

*No statewide wildfire hazard map has been adopted yet, so the ADU is required to comply with the provisions of ORSC R327. This will be made a condition of approval. Please contact the Lane County Building Program at 541-682-4651 for more information regarding these requirements.*

**(ll) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.**

*No statewide wildfire hazard map has been adopted yet, so this provision is not applicable.*

<b>SITING CRITERIA</b>
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**Lane Code 16.290(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:**

**(a) Property Line Setbacks. Structures other than a fence or sign shall be located:**

**(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;**

**(ii) At least 10 feet from all other property lines; and**

**(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.**

Does the property front County Right-of-way?      Yes \_\_\_      No \_\_\_

If yes, what is the distance from the proposed ADU to the County Right-of-way? \_\_\_\_\_ Feet

How far is the proposed ADU from the northern property line? \_\_\_\_\_ Feet

How far is the proposed ADU from the eastern property line? \_\_\_\_\_ Feet

How far is the proposed ADU from the southern property line? \_\_\_\_\_ Feet

How far is the proposed ADU from the western property line? \_\_\_\_\_ Feet

**(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.**

Are you proposing setbacks of less than 10 feet?      Yes \_\_\_      No \_\_\_

*If yes, provide evidence that the parcel is currently less than 1 acre and was less than 1 acre prior to March 30, 1984.*

**(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.**

Is there a designated Class 1 stream on the property?      Yes \_\_\_      No \_\_\_

If yes, how far will the ADU be from the Class 1 stream? \_\_\_\_\_ Feet

**APPROVAL CRITERIA FOR CONVERSION OF A HISTORIC HOME TO AN ADU**

**Lane Code 16.290(8)(c)(xii) Conversion of a historic home to an ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and provided:**

*\*\*The following standards only apply to historic homes that are proposed to be converted to an ADU. Standard ADUs are not subject to these requirements and must comply with LC 16.290(8)(c)(xi) above.*

Are you proposing the conversion of a historic home to an ADU?      Yes \_\_\_      No \_\_\_

**(aa) The owner of a lot or parcel within an area zoned for rural residential use constructs a new single-family dwelling;**

*A building permit for a new single-family dwelling must be submitted concurrent to conversion of the historic dwelling to an ADU. This will be made a condition of approval.*

**(bb) A historic home, as defined by LC 16.290(8)(b)(iii), is sited on the lot or parcel;**

*A "historic home" means a single-family dwelling constructed between 1850 and 1945.*

When was the dwelling established on the property? \_\_\_\_\_

*Please provide evidence of when the dwelling was constructed or placed on the property. This evidence may be in the form of Lane County Assessment and Taxation records, building permit records, or land use records.*

*Please explain the evidence that you are submitting:*

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

*Please provide evidence that the dwelling still exists on the property. You may provide current Lane County Assessment and Taxation records.*

*Please explain the evidence that you are submitting:*



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**(cc) The owner converts the historic home to an ADU upon completion of the new single-family dwelling; and,**

*This criterion will be made a condition of approval.*

**(dd) ADUs established pursuant to LC 16.290(8)(c)(xii) may not be:**

- (A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home’s usable floor area at the time construction of the new single-family dwelling commenced.**

Will the converted ADU be altered, renovated or remodeled to increase the floor area of the ADU?

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

If yes, by how much will the floor area of the ADU increase?

\_\_\_\_\_ Square Feet

*Please provide a floor plan of the proposed ADU.*

- (B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines “dangerous building” as “Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.” The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section.**

*This will be made a condition of approval. The applicant must provide a copy of the recorded covenant before the certification of occupancy can be issued for the ADU.*