

Date Received:

LAND MANAGEMENT DIVISION



TYPE II LAND USE APPLICATION
Measure 49 Forest Zone Dwelling

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

For Office Use Only: FILE #

FEE:*

*No fee if submitted with an M49 Preliminary Partition Application

Applicant (print name):

Mailing address:

Phone: Email:

Applicant Signature:

Agent (print name):

Mailing address:

Phone: Email:

Agent Signature:

Claimant (print name):

Mailing address:

Phone: Email:

Claimant Signature:

Land Owner (print name):

Mailing address:

Phone: Email:

Land Owner Signature:

PROPOSAL: A request for Type II (Director) review of a Measure 49 dwelling in the Impacted Forest Lands (F-2) or Non-impacted Forest Lands (F-1) Zone pursuant to the siting criteria of Lane Code 16.211(5) & (6).

LOCATION:

Assessor's Map and Tax Lot

Site address

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.
- (n) Copy of DLCDC Final Order and Home Site Authorization
- (o) Written statement addressing compliance with all Home Site Authorization terms included in the DLCDC Final Order and Home Site Authorization
- (p) Documentation of transfer of ownership if Property Owner is someone other than Claimant

- (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.): _____

MEASURE 49 HOMESITE AUTHORIZATION NUMBER: _____

SITING CRITERIA

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);

Explain the reason for the proposed location. You must address the following issues:

- Is the new dwelling close to other dwellings on adjacent property? Explain.

- Is the dwelling near existing roads?

- Will a new driveway be constructed or will an existing driveway be extended?

- What is the most level part of the property?

- What is the area that is least suitable for forest use based on the soil productivity, forest management and forest harvesting practices?

- Is there a ravine, ridge or slope greater than 40% within 30 feet of the new dwelling?

- (ii) With minimal intrusion into forest areas undeveloped by nonforest uses;

Will the dwelling encroach into a forested area? Or will it be located in an existing developed or open area? Explain:

- (ii) **Where possible, when considering LC 16.211(5)(a)(i) and (ii) 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; and**

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: _____

- (iii) **The amount of forest lands used to site access roads, service corridors, and structures must be minimized.**

Explain how the location of the dwelling and driveway minimize intrusion into the forest. Attach additional pages if necessary. _____

(b) Setbacks. Structures other than a fence or sign cannot be located closer than:

- (i) **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) **30 feet from all property lines other than those described in Section (5)(b)(i).**
- (iii) **The minimum distance necessary to comply Sections (5)(a) and (6).**

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

- (iv) **Riparian Setback Area. A riparian setback area applies to the area (iv) 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

- (c) **Domestic Water Supplies.** For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(5)(c) above, evidence of domestic water supply means:
- (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.

What is your water source (check the answer):

Private Well _____ Community System _____ Public system _____

Describe: _____

For a community or public system, do you have written verification the provider can serve your dwelling?

Yes _____ No _____ If yes, include a copy with this application.

Do you have a water use permit (well log) for an existing well, issued by the Water Resources Department? Yes _____ No _____

If yes, include a copy with this application. Copies can be obtained by searching for groundwater data at the following website: <https://www.oregon.gov/OWRD/pages/index.aspx>

- (d) **As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.**
- (e) **Approval of a dwelling is subject to the following requirements:**
- (i) **Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules.**
 - (ii) **The Director must notify the County Assessor of the above condition at the time the dwelling is approved.**
 - (iii) **Stocking survey report:**

- (aa) If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
- (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

If this proposal is approved, (d) and (e) above will be made conditions of approval.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:

Is the property within a fire district? Yes ___ No ___ If yes, go to (b) below.

If the property is not within a fire district, you have two options (choose one):

- ___ (A) Submit evidence of a long term services contract with the nearest fire district and request annexation into the fire district, or
- ___ (B) Develop a Fire Protection Plan. It must comply with standards in (i) - (v) below. The Fire Protection Plan will be verified as a Condition of Approval, but it is recommended that you submit the plan with this application.
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;
 - (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).

- (b) Fire Safety Design Standards for Roads and Driveways.

- (i) **Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.**

Attach to this application objective information demonstrating evidence or feasibility of compliance with Lane Code 16.211(6)(b)(i), including:

- _____ Itemized list of firefighting equipment. Obtain from fire district (if applicable).
- _____ Description and evidence of physical nature of access or driveway route. Topography maps, photos, or other evidence may be included in the application.

- _____ Description of proposed improvements to access or driveway route. Design drawings may be included in the application.

In addition to the above items, the application may also include:

- _____ A preliminary written verification of compliance from the agency providing fire protection, or a preliminary written certification of compliance from an Oregon Registered Professional Engineer. However, please note that such certification will also be made a condition of approval to verify final access and/or driveway construction.

The standards below will be a condition of approval and will be verified by staff.

- (ii) **Road and Driveway Surfaces. Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.**

Will the existing driveway be extended to serve the new dwelling? Yes ___ No ___

Will there be a new driveway in a new location? Yes ___ No ___

- (iii) **Turnarounds.** Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:
 - (aa) **Hammerhead Turnarounds.** Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or
 - (bb) **Cul-de-sac Turnarounds.** Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
 - (cc) **No cul-de-sacs or hammerhead turnarounds must be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.**

Are you proposing a dead-end road? Yes ___ No ___

Is it over 200 feet long? Yes ___ No ___

If yes, it must contain turnouts. Explain: _____

- (iv) **Bridges and Culverts.** Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

Will the new driveway or extension of the driveway contain any culverts or bridges? Yes ___ No ___

If yes, explain: _____

- (v) **Road and Driveway Grades.** Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.

Will the road or driveway contain any slopes in excess of 8%? Yes ___ No ___

If yes, explain: _____

-
- (vi) **Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.**

Please be advised that staff will evaluate the route of the road serving your dwelling, from the homesite back to the public road to which it connects. Staff will determine if the road is to be named, per LC 15.312 and LM 15.015(3). Staff will review the address numbering of the street, if determined the address number may be required to change. If determined, such will be required as a condition of this approval.

- (vii) **Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.**

The driveway must be 12 feet wide. How wide is the driveway? _____

Is it over 200 feet long? Yes ___ No ___

If yes, it must contain turnouts. Turnouts are not required if the driveway is 16 feet wide.

Will the driveway have turnouts? Yes ___ No ___

Will the driveway be 16 feet wide? Yes ___ No ___

- (viii) **Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.**

Are you proposing any modifications or alternatives to the road or driveway standards? If yes, explain. Attach additional pages of necessary.

- (c) **Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.**

- (i) **Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.211. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.**

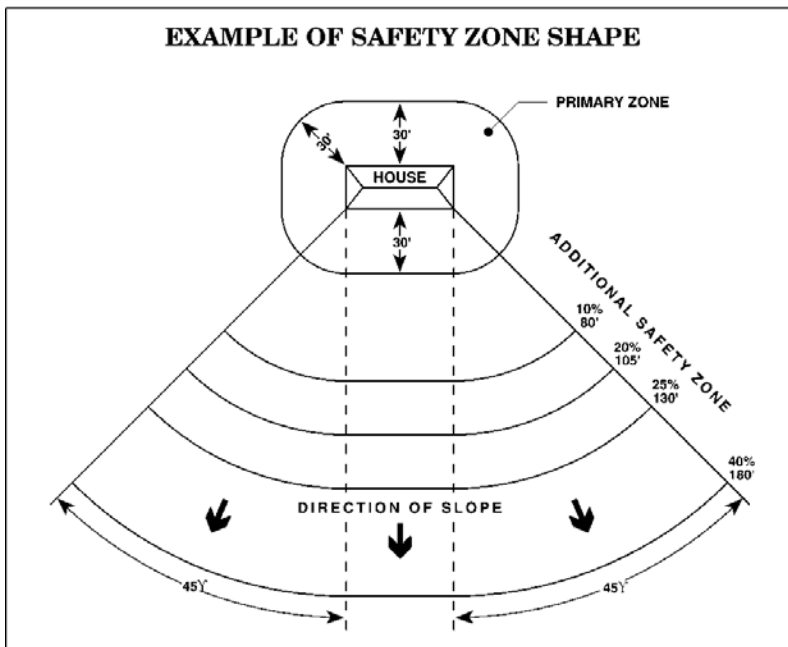
- (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

The new dwelling must be surrounded by a 30 foot primary safety zone. If the dwelling is on a slope, the safety zone will increase, as shown in the table.

Table 16.211-2 Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Figure 16.211-1



- (ii) **Secondary Safety Zone.** The secondary safety zone is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary safety zone is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary safety zone must be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees must be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels must be removed.

The secondary fuel break must be established an additional 100 feet from the primary safety zone, but only on property you own.

- * Show the fuel breaks on the site plan. If approved, the primary safety zone and the secondary fuel break will be verified as a condition of approval. Contact staff (541-682-3577) or visit the Planning website (www.lanecounty.org/planning) for details regarding fire break standards.
- * The establishment and maintenance of fuel breaks within the Riparian Setback Area must comply with the applicable requirements of Lane Code 16.253.

- (d) The dwelling must have a fire retardant roof.**
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.**
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.**

What is the slope of the land within 30 feet of the dwelling? _____

If the proposal is approved, (d) and (f) above will be made conditions of approval and will be verified by staff.