



LAND MANAGEMENT DIVISION

HB 2289 APPLICATION INTENT FORM

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97404 Planning: 682-3577

Date Received:

This form is intended to document replacement dwelling eligibility under House Bill (HB) 2289 before the building permit submittal process. Please be advised that this form is not a substitute for the specific language of HB 2289 or other state or local regulations that may apply. The timely submittal of this form with a Zoning Determination application satisfies the HB requirement that applications under HB 2289 Section 2 must be filed on or before September 30, 2025.

INSTRUCTIONS

- ☐ **Preparing (Planning Consultation):** Prior to submitting the HB 2289 Application Intent Form, consult with the Planner on Duty or Holiday Farm Fire Navigator to confirm HB 2289 rebuilding and eligibility requirements, other rebuilding options, and related submittal requirements. Eligibility requirements are summarized on the final page of this document.
- ☐ **Building Consultation:** If you haven't already done so, meet with the Builder on Duty to confirm the specific HB 2289 replacement dwelling submittal requirements that pertain to your project (forms, plans, engineering, geotechnical requirements, etc.).
- ☐ **Apply for an HB 2289 Application Intent.** Once the Planner on Duty and Builder on Duty have provided clearance for HB 2289 Application Intent, your application will be routed to staff for review.

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Land Owner (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Land Owner Signature: _____

LOCATION:

13-digit Assessor's Map and Taxlot Number (ex. 17-03-18-00-00102)

Site address (use address of former dwelling proposed to be replaced)

PROPOSAL: Notify County of intent to replace, restore, or alter a former dwelling destroyed or interrupted by a wildfire pursuant to pursuant to Section 2 of House Bill (HB) 2289, 81st Oregon Legislative Assembly-2021 regular session. A replacement dwelling meeting the eligibility criteria described below must be proposed, permitted, and commenced by December 30, 2030.

PROPERTY OWNER STATEMENT

The following information is needed to verify eligibility to use HB 2289 for a future dwelling replacement.

- ☐ The property owner must complete and sign below to indicate understanding and acceptance of the following:
- 11x17 dimensioned Site Plan to an engineer scale, as provided in the handout entitled "How to Draw a Site Plan" will be submitted as part of the Building Permit Application prior to 12/31/2030. The site plan must delineate the former dwelling footprint (using best available data) and proposed dwelling footprint, show septic facilities, water source, easements, and hazards or other details, as relevant to HB 2289 eligibility.
 - 11x17 dimensioned Floor Plan with floor area calculations showing compliance with HB 2289 size requirements will be submitted as part of the Building Permit Application prior to 12/31/2030.
 - Failure to submit a complete Building Permit Application with *all* County-required documentation (including but not limited to architectural plans, truss packets, structural calculations, geotechnical reports, septic certifications, access easements, and facility permits) prior to 12/21/2030 will result in the loss of benefits available through HB 2289.

☐ Property Owner Name: _____ Date: _____

☐ Property Owner Signature: _____

STAFF CHECKLIST

Zoning Determination File Number: _____

The application contains the following information demonstrating compliance with HB 2289:

- ☐ Property Owner has signed and dated the Property Owner Statement, above.
- ☐ Former dwelling was lawfully established:
- Prior Building Permit number: 509-BP _____ or
 - 2001 tax records showing dwelling was taxed as dwelling, with no unresolved compliance issues
- ☐ Former dwelling floor area: _____

Based on the information provided, staff has verified eligibility under HB 2289. As long as the future proposed replacement dwelling meets the criteria listed above, the property owner may use HB 2289 until the waiver expires December 30, 2030.

Approval date: _____ Planner Name: _____

Planner Signature: _____

HOUSE BILL 2289 - ELIGIBILITY REQUIREMENTS

HB 2289 was signed by the Governor and became effective on June 11, 2021. Section 2 of the Act provides exemptions and relief from land use regulations and procedures for rebuilding structures and resuming uses that were destroyed by the Holiday Farm Fire and other qualifying wildfires during the 2020 wildfire season. The following subsections set forth the requirements specific to the alteration, restoration, or replacement of dwellings.

- (3) *The local government shall approve an application to alter, restore or replace a dwelling if the local government determines that the evidence in the record establishes that:***
 - (a) *The former dwelling:***
 - (A) *Had intact exterior walls and roof structure;***
 - (B) *Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;***
 - (C) *Had interior wiring for interior lights;***
 - (D) *Had a heating system; and***
 - (E) *(E)(i) Was authorized by building permits or other regulatory approval process by the appropriate authority; or***
(E)(ii) Was assessed as a residential dwelling for purposes of ad valorem taxation for the tax year beginning July 1, 2001, and is not subject to unresolved enforcement proceedings questioning the lawfulness of the dwelling; and
 - (b) *The proposed dwelling will:***
 - (A) *Not exceed the floor area of the destroyed dwelling by more than 10 percent;***
 - (B) *Be adequately served by water, sanitation and roads;***
 - (C) *Be located wholly or partially within the footprint of the destroyed dwelling unless the applicant chooses a different location within the same lot or parcel to comply with local flood regulations or to avoid a natural hazard area; and***
 - (D) *Comply with applicable building codes that were in effect on the later of:***
 - (i) January 1, 2008; or***
 - (ii) The date of the former dwelling's construction.***
- (4) *A local government may not add conditions to the approval or siting of a dwelling under subsection (3) of this section except as necessary to maintain participation in the National Flood Insurance Program under 42 U.S.C. 4001 et seq.***