

CUSTOMER CHECKLIST
Setback Exception
(LDO Section 8.5.3(F))

The following material must be submitted with a request for a setback exception. **Check off each item as you include it in your application.**

1. **Application form**, including:
 - Type 1 application form (filled out). Met _____
 - Applicant's Supporting Information (filled out). Met _____
 - Property owner authorization. Met _____
 - Applicant's signature on both the Application form and Applicant Supporting Information form. Met _____

2. **A to-scale plot plan** (ie: 1"=100' or 1"=50') on 8½ x 11 paper with:
 - Size (acreage) and dimension of the subject parcel. Met _____
 - The proposed location of the living space (dwelling or detached living space). Met _____
 - Distances of the proposed structure from property lines. Met _____
 - Location of and distance to resource (EFU, FR, WR and OSR) zone boundaries from the living space. Met _____

3. **Lawful Dwelling:** For dwelling additions or replacement, detached living space or temporary medical hardship dwellings, provide evidence that the existing dwelling was lawfully established. Met _____

4. **Deed Declaration:** Completed (filled in, signed and notarized, but not recorded) Rural Residential Deed Declaration. Met _____

5. **Buffer/Screen:** Description of the intended method of buffer/screen (See JCLDO Section 9.2.3) or explanation why it does not apply. Met _____

6. **Checklist:** This checklist is included with the application. Met _____

JACKSON COUNTY, OREGON

TYPE 1 APPLICATION

(Please print in black ink, or type all information except where a signature is required)

Legal description of subject property:

Township____ Range____ Section____ Tax Lot____ Acreage____
Township____ Range____ Section____ Tax Lot____ Acreage____

Street Address of the Property: _____

What is the Zoning of the Subject Property? _____

Is the purpose of this application to complete a Measure 49 Approval? YES NO

NOTE: Applications for review and approval of all development proposals may be initiated by the property owner, purchaser under a recorded land sale contract, condemner who has been granted immediate possession by a court of competent jurisdiction, agent duly authorized in writing, or a public agency.

PROPERTY OWNER:

At Time Application is Submitted

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

AGENT:

If Other than Applicant

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

OFFICE USE ONLY

File N^o _____

Fee Pd _____

Receipt N^o _____

App. Type: _____

App. Received by _____

Date Received _____

Zoning Confirmed by Staff: _____

APPLICANT:

If Other than Property Owner

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

OTHER:

Specify: _____

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

IF AN AGENT, APPLICANT, OR "OTHER" IS ACTING ON BEHALF OF THE OWNER OR PURCHASER, A SIGNED STATEMENT OF OWNER AUTHORIZATION MUST BE SUBMITTED WITH THIS APPLICATION. THIS APPLICATION MUST BE ACCOMPANIED BY AN ACCURATE PLOT PLAN (MAP). SEE USER'S GUIDE FOR ASSISTANCE. THE BURDEN OF PROOF FOR APPROVAL OF AN APPLICATION RESTS WITH THE APPLICANT. YOU MUST PROVIDE DOCUMENTATION REGARDING THE PROPERTY AND APPLICATION CRITERIA IN SUFFICIENT DETAIL AND ACCURACY TO ENABLE THE DEPARTMENT TO FIND THAT YOUR APPLICATION COMPLIES WITH ALL APPLICABLE APPROVAL CRITERIA.

APPLICANT SUPPORTING INFORMATION

Describe your proposal: _____

Are Plans Attached? Yes No

THIS APPLICATION IS HEREBY SUBMITTED AND THE STATEMENTS AND INFORMATION HEREIN CONTAINED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT(S):

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

AGENT:

OWNER or CONTRACT PURCHASER:

Print Name: _____

(See Attached Form)

Signature: _____

Date: _____

TYPE 1 REVIEW: SPECIAL RESOURCE SETBACK REDUCTION

(LDO Section 8.5.3(F))

APPLICANT'S SUPPORTING INFORMATION

On the following pages, describe how your application complies with the applicable criteria.

Building setbacks provide a buffer between resource and abutting nonresource land as a means to prevent conflicts between resource and non-resource uses. Unless otherwise approved as provided below, a 200-foot setback from forest and farm zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure (see Section 13.2.3(A)) sited in a nonresource zoning district. If the zoning boundary lies in the centerline of a County or state roadway, the entire width of the dedicated roadway may be calculated as part of the special setback.

1) What type of residential structure is proposed?

- | | | | |
|--------------------------|----------------------|--------------------------|----------------------------|
| <input type="checkbox"/> | Initial Dwelling | <input type="checkbox"/> | Detached Living Space |
| <input type="checkbox"/> | Replacement Dwelling | <input type="checkbox"/> | Temporary Medical Hardship |
| <input type="checkbox"/> | Dwelling Addition | <input type="checkbox"/> | Other Residential |

2) What is the Zoning designation for the subject property? _____

3) For dwelling additions, replacement, detached living space or temporary medical hardship, show that the existing dwelling was lawfully established.

_____ Built through building permits. Permit #: _____

_____ Built prior to adoption of zoning (9/1/1973). Year Built _____

_____ Other: EXPLAIN _____

4) Section 8.5.3(F)(1) allows an exception as follows:

When an Aggregate Removal setback is not involved, and the parcel is five (5) acres or less in size, the County will allow reduction of the special setback requirement set forth in this subsection under a Type 1 review for a new, replacement of a lawfully established or enlarged residential structure provided the applicable structural setbacks required by Table 8.2-1 are maintained. A Type 1 special setback reduction may be approved if one (1) or more of the following requirements are met:

To ensure buildings will not be placed in or encroach on recorded easements, setbacks will be measured as the distance from a right-of-way of a public or private road or access easement, or from a property line to the nearest point of a structure, except as allowed under LDO Section 8.5.2(D). (LDO Section 8.5.1)

a) Is the parcel within 500 feet of an Aggregate Removal zoning district?

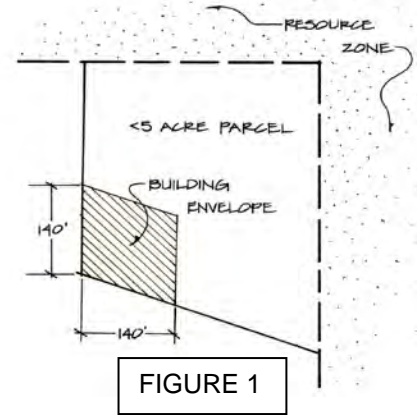
_____ Yes _____ No

b) Identify the sides of the property bordered by resource zones (EFU, FR, WR or OSR)

North: _____ South: _____ East: _____ West: _____

c) Is the parcel 5.00 acres or less? _____ Yes _____ No Acreage: _____

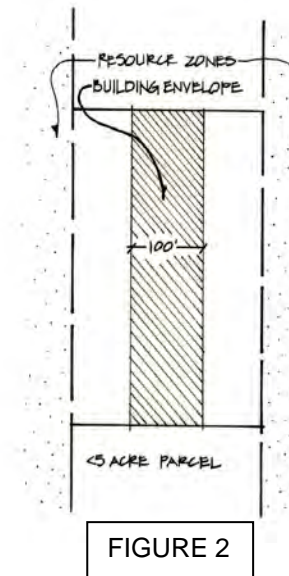
d) *Subsection (A): If a parcel has a resource zone on one side but not on the opposite side a dwelling may be sited within 140 feet of the property line which is opposite the resource district boundary. The 140-foot requirement may be applied for the entire length of the property line, except where it coincides with a resource district boundary (See Figure 1). If the parcel configuration allows multiple applications of the 140-foot measurement, then the method that results in the maximum setback possible from abutting resource lands will be used.*



_____ **APPLIES, SEE ATTACHED PLOT PLAN**

_____ **DOES NOT APPLY, GO TO NEXT ITEM**

e) *Subsection (B): If a parcel has resource zoning on opposite sides, a dwelling may be placed within the middle 100 feet between the resource zoned lands (See Figure 2). If the parcel configuration allows multiple applications of the 100-foot measurement, then the method that results in the maximum possible setback from abutting resource lands will be used.*



_____ **APPLIES, SEE ATTACHED PLOT PLAN**

_____ **DOES NOT APPLY**

f) *The special setback reductions listed above may be applied concurrently on the same parcel to allow flexibility in siting a dwelling. If there appear to be multiple methods for application of these provisions, then the method that results in the greatest building setback from resource district boundaries will be used.*

(Eg. If resource zoning exists on the north, east and west, subsection (A) could be used to site the dwelling within 140 feet of the south property line and subsection (b) can use used to site the dwelling in the middle 100 feet between the east and west property lines.)

Are multiple applications of the special setback reduction proposed?

_____ Yes _____ No

If Yes, please explain how this will be applied.

- g) *Whenever a setback reduction is allowed, a deed declaration must be recorded wherein the owner of record and any successors, heirs, or assigns accept the potential for resource uses on adjacent resource zoned land to affect the use and enjoyment of the property granted a setback reduction. The deed declaration must also prohibit the landowner and their successors in interest from pursuing a claim for relief or cause of action alleging injury from mining activities, or farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [See OAR 660-033-0130(30)]*

Has a deed declaration of this nature been included with the application?

_____ Yes _____ No

(Deed declaration should be signed and notarized, but does not need to be recorded at this time.)

- 5) LDO Section 9.2.10, requiring buffering/screening applies when the replacement dwelling will be adjacent to an intensive agricultural or forest use.

Describe the adjacent agricultural use(s): _____

What buffer/screen is proposed? (Please see Section 9.2.10)

See the User's Guide for plot plan example and information required for a site development plan map.

APPLICANTS SIGNATURE: _____

AGENT SIGNATURE: _____

DEPARTMENT FILE NUMBER: _____

NOTE: Additional information may be submitted on 8½ x 11 inch white paper.