

**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)

<u>OFFICE USE ONLY</u>	
File N <sup>o</sup>	_____
Fee Pd	_____
Receipt N <sup>o</sup>	_____
App. Type:	_____
App. Received by	_____
Date Received	_____
Zoning Confirmed by Staff:	_____

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: \_\_\_\_\_

**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?

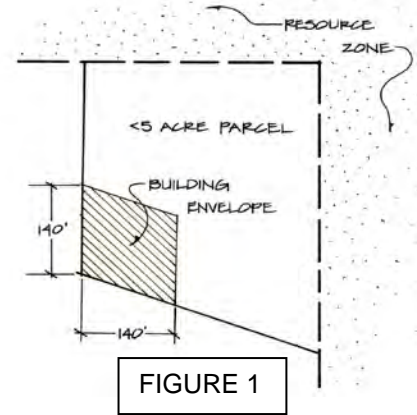
\_\_\_\_\_ Yes      \_\_\_\_\_ No

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: \_\_\_\_\_

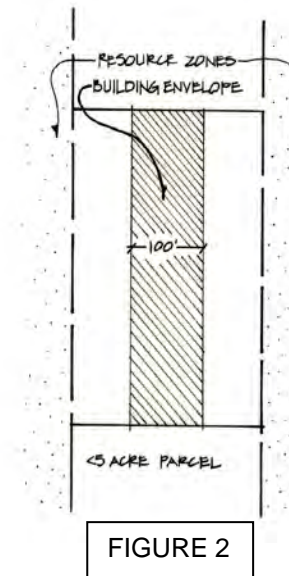
d) *Subsection (A): If a parcel has a resource zone on one side but not on the opposite side a dwelling may be sited within 140 feet of the property line which is opposite the resource district boundary. The 140-foot requirement may be applied for the entire length of the property line, except where 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.