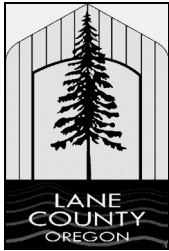


Date Received: _____



LAND MANAGEMENT DIVISION HB 2289 REPLACEMENT DWELLING BUILDING PERMIT REQUEST & ELIGIBILITY FORM (2020 Wildfire)

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

This form is intended to facilitate review and document replacement dwelling eligibility under House Bill (HB) 2289 as part of 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 your building permit 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 building permit submittal, consult with the Planner on Duty or Holiday Farm Fire Navigator staff to confirm HB 2289 rebuilding and eligibility requirements, other rebuilding options, and related submittal requirements. Staff can assist with obtaining the necessary eligibility documentation we may have on file or tax records, generate base maps to help with site plan preparation, and can provide other assistance to ensure swift and seamless building permit submittal and review process. Note: If you have already submitted a replacement dwelling application or a related planning application that is currently under review, you are encouraged to contact the assigned planner to discuss your options and next steps.
- Building Consultation:** If you haven't already done so, meet with the Builder on Duty to confirm the specific building permit submittal requirements that pertain to your project (forms, plans, engineering, geotechnical requirements, etc.).
- Eligibility Form:** Complete this 'HB 2289 Replacement Dwelling Building Permit Request & Eligibility Form' and attach all required documentation, including an 11x17 site plan and 11x17 floor plans (see Submittal Requirement section of this form). At the Planning Consultation, the Planner on Duty will help identify materials needed for the eligibility review.
- Apply for Building Permit:** Meet the Planner on Duty and Builder on Duty or make an appointment to meet with the Holiday Farm Fire Permit Navigator Staff to review your materials and verify eligibility for building permit submittal. Once the Planner on Duty and Builder on Duty have provided clearance for building permit submittal and accepted your site plan, your submitted will be routed for formal building permit acceptance and review.

INQUIRY FILE NO.: _____ (to be assigned by County staff)

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: Request 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. Any dwelling replacement made under HB 2289 is in lieu of any previous approvals that may have been granted for replacement of the eligible dwelling destroyed by wildfire.

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.*

REQUIRED SUBMITTALS

The following information is needed to verify eligibility for dwelling replacement under HB 2289 and provide Planning clearance for building permit submittal.

Assistance Available: The Planner on Duty and dedicated Holiday Farm Fire Permit Navigator staff are available to provide guidance and assistance as you prepare materials. Many resources, including building and land use permit, compliance, and taxation records (Proval report), are available at the County and staff can help with locating these. Please contact staff in advance if you have questions or would like assistance with obtaining available permit records or tax record documentation.

- 11x17 SITE PLAN:** Provide dimensioned site plan to an engineer scale, as provided in the handout entitled "How to Draw a Site Plan". 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 Floor Plan:** Provide dimensioned floor plans with floor area calculations showing compliance with HB 2289 size requirements.
- Former Dwelling Floor Area:** Provide tax records or other evidence documenting the floor area of the former dwelling.
- Former Dwelling Habitability.** Provide tax records or other records documenting the former dwelling met HB 2289 habitability requirements (walls/roof, interior plumbing/sanitation, electric wiring/lights, and heating).
- Former Dwelling Status:** Provide either building permit or land use permit records documenting the lawful establishment of the former dwelling or tax records indicating the dwelling was taxed as a dwelling as July 1, 2001 plus records indicating compliance proceedings concerning dwelling's lawful status, if any, have been resolved.
- If** new driveway approach is off maintained County Road or State Highway is proposed, submit a copy of the approved facility permit or use permit. (Contact County Facility Permit staff at 541-682-6902 or ODOT at 541-726-2577)
- If** access to the replacement dwelling is provided via another property, submit a copy of the recorded easement document or other proof of legal access.
- If** you have a pending planning application to replace the former dwelling proposed to be replaced under HB 2289, submit a completed cancelation/refund request form to cancel the pending application.

****For Staff Use Only****

Staff checklist for 509-NQ _____

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

- Scaled site plan showing:
 - Replacement dwelling is partially in the same footprint, or identifying hazard avoided.
 - Well or other identified water source (plumbing subject to building permit review)
 - Sanitation facilities (sanitation subject to building permit review)
 - Road/Driveway access to replacement dwelling
- Dwelling status documentation:
 - Permit records Specify _____ or
 - 2001 tax records showing dwelling was taxed as dwelling, with no unresolved compliance issues
- Former dwelling habitability documentation. Specify _____
- Former dwelling floor area documentation. Specify _____
- Replacement dwelling scaled floor plans
- Calculations/other documentation showing proposed dwelling does not have floor area more than 10 % larger than former dwelling. Specify _____

Based on the information provided, staff has verified replacement dwelling eligibility under HB 2289.

Approval date: _____ Planner Name: _____

Planner Signature: _____

An approval of an application under this HB 2289 Section 2 expires only if the property owner has not commenced development of the structure or use on or before December 30, 2030.

Routing Information

- 1) The replacement dwelling is subject to minimum NFIP Standards:
 - Yes No TBD based on Floodplain Verification
- 2) The replacement dwelling is subject to building codes in effect on:
 - TBD January 1, 2008 Subsequent Permit date _____
- 3) The replacement dwelling authorized under HB 2289 is in lieu of a prior request?
 - Yes, 509-PA_____-_____. Status: Approved Pending
- 3) The replacement dwelling authorized under HB 2289 is in conjunction with a RACC? Yes No
 - RACC eligible for replacement under HB 2289 Section 2.1 /HB 2272?
Floodplain? Yes No
 - RACC not eligible for replacement under HB 2289/2272
Floodplain? Yes No
- 4) HB 2289 Request form & Documentation:
 - Scanned for upload to NQ file:
 - Added to planning file record: 509-PA_____-_____.
 - Other (specify) _____