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Greetings Committee Members

Thank you for inviting written and oral testimony concerning issues in the replacement of dwellings and other structures lost in last summer's catastrophic fires. I am a land use consultant located in Springfield, Oregon and am involved in efforts to replace dwellings destroyed in the Holiday Farm Fire here in Lane County. I'd like to share the problems that I have observed as but won't suggest specific Legislative language for fixes as there are others much more qualified for that task.

First and foremost, the ideal Legislation would allow fire victims to replace their structures with only the requirement for a building or manufactured dwelling permit. Most only want to get back some of what they lost as quickly as possible with the least possible amount of time, cost and governmental regulations.

Some of the issues I have observed are as follows:

Floodplain/Floodway

Any legally established dwelling located in a floodplain or floodway should be allowed to be replaced at the same site with some limited amount of increase in footprint. A problem I have seen is in finding a manufactured dwelling with the same dimensions as the older manufactured dwelling or mobile home. Over the years the manufacturers have changed the dimensions. For example 24 feet wide to 27 feet wide or 60 feet long to 66 feet long for nearly the same floor plan.

Geotechnical Evaluation

It appears that at least Lane County is requiring a Geotechnical report for Landslide or Earthquake Liquefaction potential for many if not most of the replacement home applications. A Geotechnical report is very costly and time consuming. If required at all it should be limited to locations that have been verified as having a very high susceptibility for landslide.

Dwellings in Forest Zones

Current State Statutes and Rules require that a dwelling to be replaced must have intact features such as roof, windows, plumbing, electrical services, etc. These features obviously no longer exist when the dwelling has been burned. These standards must be removed for the victims of fire damage to dwellings located in Farm and Forest zones.

Also; vacant parcels in a forest zone may be approved for placement of a dwelling if the parcel meets what is called the "template" test. This test requires that a minimum number of other parcels and other dwellings that existed on January 1, 1993 are located within a certain distance

from the vacant parcel. Dwellings on those other parcels must “continue to exist” at the time the template dwelling application is made. Since burned dwellings do not “continue to exist” the ability to place a dwelling on another buildable ownership is lost. There needs to be an exception to the “continue to exist” requirement when these other dwellings that are necessary to meet the template test are lost by fire.

Legal Lot Requirement for Replacement Dwellings

Replacement of a dwelling in the Farm and Forest Zones in Lane County requires a land use application to determine whether the dwelling to be replaced was lawfully established and meets other criteria. There are deadlines within which these applications must be submitted.

Replacement of a dwelling in a Rural Residential Zone requires the same verification of a lawfully established unit of land if a building permit is not requested within one year of when the dwelling was lost or removed.

Unless an application is made within a limited timeframe Lane County requires verification that a dwelling to be replaced in a residential zone is located on a lawfully created parcel. Verification of a legal lot is a very expensive, time consuming process that sometimes is unattainable due to the confusing history of various land use regulations that have been in place for over 70 years. This occurs even if the dwelling has existed, been taxed and even often had been issued a building permit.

Unless knowingly built illegally, any dwelling existing on County tax records should be allowed to be replaced whether lost to the 2020 fire, a different fire or frankly, any other reason not controlled by the owner.

Lastly, there appears to be extensive energy and activities dealing with the consequences of last summer’s fires. I commend the Committee and Legislature in prioritizing Legislation to expedite and simplify replacement of lost dwellings and other structures; and addressing other more policy oriented Legislation independently.

The results of your efforts are of extreme importance to those folks who have lost so much. Please do everything you can to eliminate hurdles and barriers within our land use system that make the replacement of structures difficult and expensive.

Sincerely,



Mike Evans