

# Replacement Dwellings In Resource Zones



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The replacement of a lawfully established dwelling is possible through a Zoning Permit. Replacement dwellings are allowed in the EFU Zone (152.058 (F)) and the GF Zone (152.083 (O)). The residential zones (i.e. RR-2, RR-4, UC, etc.) provide for the placement of homes as a “permitted use with a zoning permit.”

A zoning permit for a replacement dwelling in the EFU or GF Zones may be permitted if the existing dwelling complies with the following criteria:

**§ 152.058 (F) & 152.083 (O): Alteration, restoration or replacement of a lawfully established dwelling that:**

- (1) Has intact exterior walls and roof structures;
- (2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3) Has interior wiring for interior lights;
- (4) Has a heating system; and
- (5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;
- (6) **The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.**
- (7) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable

siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.

- (8) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.
- (9) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
- (10) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.
- (11) A replacement dwelling permit issued under this section does not expire.

## FEE & PROCESSING

Field Inspection, Removal Verification - \$75.00. Complete the attached form and a Zoning Permit application and submit to the Planning Office.

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# Replacement Dwelling Verification

Provide details about the existing dwelling. The purpose of this application is to provide a method for replacing a lawfully established single-family dwelling (either stick built or manufactured home) in an EFU or GF Zone.

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1. How and when was the existing dwelling legally established? **Provide documentation.** If the dwelling is extremely old and no land use permits were issued then paperwork from the County Assessor can be submitted to show that the home was placed prior to land use planning regulations (prior to 1972).
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2. Describe the condition of the existing dwelling. The features described are still required even if the dwelling has been vacant for several years and possibly unlivable. The applicant may be required to provide proof of these features by providing photos of the required improvements along with assessment records as described below.

- Has intact exterior walls and roof structures;
- Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- Has interior wiring for interior lights;
- Has a heating system; and

*Please Note:* If the dwelling had all of these features, but has already been destroyed or removed from the parcel then it may be possible to replace the dwelling under **UCDC 152.617 (II) (8)**.

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3. **The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.**

- Assessed as dwelling, as prescribed. **Attach assessment records that show the home proposed for replacement has been assessed as a dwelling for the previous five tax years.**
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4. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy of the new dwelling.

\_\_\_\_\_ date Replacement  
Covenant is recorded

The property owner(s) shall sign and record in the County Records Department a covenant (attached) certifying that the replaced dwelling was removed, demolished or converted to an allowable nonresidential use.

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5. A Covenant Not to Sue (attached) with regard to normal farming practices shall be recorded.

\_\_\_\_\_ date Covenant Not to Sue  
is recorded

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**STATEMENT FOR REPLACEMENT OF  
LAWFULLY ESTABLISHED DWELLING**

In the consideration of the issuance of the following described development permit by Umatilla County for replacement of a lawfully established dwelling under ORS 215.213(1)(q), permit # \_\_\_\_\_ issued to \_\_\_\_\_, the undersigned owners of the property described in Exhibit "A" attached to the document, the dwelling to be replaced had to be removed, demolished or converted to an allowable nonresidential use within one year after the date the replacement dwelling is certified for occupancy.



The undersigned owners represent and affirm that the dwelling to be replaced on the described property has in fact now been removed, demolished or converted to an allowable nonresidential use. This statement is recorded as required under OAR 660-033-0130(8)(b)(B).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: \_\_\_\_\_

Owner: \_\_\_\_\_

State of Oregon                    )  
                                                  )  
County of \_\_\_\_\_)

ON the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ personally appeared before me the above named, \_\_\_\_\_, acknowledged the foregoing to be their voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

***EXHIBIT "A"***

(Attach legal here)

## COVENANT NOT TO SUE

In the consideration of the issuance of the following described development permit by Umatilla County, Replacement Dwelling Permit, # \_\_\_\_\_, issued on property owned by,

\_\_\_\_\_ ,

the undersigned owner of the property described in Exhibit "A" attached to the document, the undersigned owners, their successors, heirs and assigns do hereby covenant and agree to forever refrain from instituting or prosecuting any action against the owners, operators, and contractors of property zoned for farm use, their successors, heirs, and assigns, for or on account of any and all losses, injuries, damages or claims arising out of the conduct of any generally accepted farming practices on such property, which have interfered or may interfere with the use and enjoyment of the property described in Exhibit A. Nothing herein contained shall be construed as an admission or any legal liability, and it is expressly understood that this is a compromise of all claims, past, present or future, against the parties to this covenant and all those in interest with them. As provided by ORS 30.938, in any action or claim for relief alleging nuisance or trespass and arising from a practice that is alleged by either party to be a farming or forest practice, the prevailing party shall be entitled to judgment for reasonable attorney fees and costs incurred at trial and on appeal.

Recording Label

It is also agreed that if this covenant is breached and action is instituted against its successors, heirs, and assigns, that this covenant may be pleaded as a defense.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Owner: \_\_\_\_\_ Owner: \_\_\_\_\_

State of Oregon )

)

County of \_\_\_\_\_ )

ON the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ personally appeared before me the above

named, \_\_\_\_\_, acknowledged the foregoing to

be their voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

***EXHIBIT "A"***

(Attach legal here)