

JACKSON COUNTY, OREGON

TYPE 2 APPLICATION EFU Homesites Without Overlays

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

File No. _____
Fee Pd _____
Receipt No. _____
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____

Attach a copy of the deed or other instrument describing the property and showing current ownership.

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

APPLICANT:

If Other than Property Owner

Name: _____ Name: _____

Mailing Address: _____ Mailing Address: _____

City: _____ City: _____

State: _____ Zip: _____ State: _____ Zip: _____

Daytime Phone: _____ Daytime Phone: _____

E-Mail Address: _____ E-Mail Address: _____

AGENT:

If Other than Applicant

OTHER:

Specify: _____

Name: _____ Name: _____

Mailing Address: _____ Mailing Address: _____

City: _____ City: _____

State: _____ Zip: _____ State: _____ Zip: _____

Daytime Phone: _____ Daytime Phone: _____

E-Mail Address: _____ 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.

On the following pages, describe how your application complies with the criteria identified as applicable below:

Public Utilities: Tax lot(s) _____ is served by:

<input type="checkbox"/> an on site septic system	<input type="checkbox"/> public sewer (RVSS)	<input type="checkbox"/> community sewer
<input type="checkbox"/> an on site well	<input type="checkbox"/> municipal water	<input type="checkbox"/> community water
<input type="checkbox"/> phone service	<input type="checkbox"/> electric service	<input type="checkbox"/> other utilities (e.g., gas)
<input type="checkbox"/> _____ Irrigation District serves the property.		

Please list any easements for access or utilities that benefit or cross the property (attach copies of all applicable easements to your application) _____.

PLEASE NOTE: All easements must be identified on plot plans and land division plans submitted for zoning permit review.

APPLICANT SUPPORTING INFORMATION

Describe your proposal: _____

Please describe the existing uses on adjacent properties (livestock, orchard, or residential, etc.):

North: _____

East: _____

South: _____

West: _____

Type 2 Applications Within the Exclusive Farm Use (EFU) Zone (LDO Section 4.2.3)

A) Because the subject property is within the EFU zone, explain why the proposal will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

B) Because the subject property is within the EFU zone, explain why the proposal will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

ANSWER: _____

New Dwellings, General

- The County shall notify the County Assessor that a dwelling is being approved. [ORS 215.705(1); OAR 660-033-0130(h)]
- As a condition of approval for all residential uses, the landowner shall be required to sign and record in the deed records for the County a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937, and requiring owner control of dogs. [ORS 215.293; OAR 660-033-0130(30)]

Dwelling Customarily Provided in Conjunction With Farm Use [ORS 215.283(1)(f); OAR 660-033-0120; 0130(1) and (30); and 0135]

- A) Large Tract Standards [OAR 660-033-0135(1)] On land not identified as high-value farmland a dwelling shall be considered customarily provided in conjunction with farm use if:
- 1) The parcel on which the dwelling will be located is at least 160 acres;
 - 2) The subject tract is currently employed for farm use, as defined in ORS 215.203;
 - 3) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - 4) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract.

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

B) Farm Capability Standards [OAR 660-033-0135(2)] On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- 1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract;

ANSWER: _____

- 2) The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (1), above.

ANSWER: _____

- 3) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (2) of this Section, or, if no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of a farm use at a level capable of producing the required annual gross sales;

ANSWER: _____

- 4) The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;

ANSWER: _____

- 5) Except for seasonal farmworker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;

ANSWER: _____

- 6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

ANSWER: _____

C) Farm Income Standards [OAR 660-033-0135(5), (7), (8) and (9)] A dwelling may be considered customarily provided in conjunction with farm use if:

Note: Additional information may be submitted on 8. x 11 inch white paper.

- 1) The subject tract is currently employed for the farm use, as defined in ORS 215.203, at a level that produced in the last two years or three of the last five years one of the following:
 - a) On land not identified as high-value farmland, at least \$32,500 in gross annual income; or
 - b) On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products.

ANSWER: _____

- 2) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation; and

ANSWER: _____

- 3) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.

ANSWER: _____

- 4) In determining the gross income required by subsection (1), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

ANSWER: _____

- 5) Lots or parcels zoned EFU in Jackson County or a contiguous county may be used to meet the gross income required by subsection (1). If one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation has been used to comply with the gross farm income requirement, within 12 days of receiving a tentative approval the applicant shall provide evidence that irrevocable deed restrictions have been recorded with the county clerk of the county where the property subject to the deed declarations, conditions and restriction is located. The deed declarations, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary medical hardship dwellings or replacement dwellings on the lots or parcels that make up the farm or ranch operation or to use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling. The deed declarations, conditions and restrictions are irrevocable unless a statement of release is signed by the Planning Manager.

Note: Additional information may be submitted on 8. x 11 inch white paper.

ANSWER: _____

D) Relocated Farm Operations [OAR 660-033-0135(12)] A dwelling may be considered customarily provided in conjunction with farm use if:

- 1) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned in each of the last five years or four of the last seven years one of the following, whichever is applicable:
 - a) On land not identified as high-value farmland, at least \$32,500 in gross annual income; or
 - b) On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products;

ANSWER: _____

- 2) The subject lot or parcel on which the dwelling will be located is currently employed for the farm use, as defined in ORS 215.203, at a level that produced in the last two years or three of the last five years one of the following, whichever is applicable:
 - a) On land not identified as high-value farmland, at least \$32,500 in gross annual income; or
 - b) On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products;

ANSWER: _____

- 3) The subject lot or parcel on which the dwelling will be sited is at least 80 acres in size;

ANSWER: _____

- 4) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;

ANSWER: _____

- 5) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section;

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

- 6) In determining the gross income required by subsections (1) and (2) of this Section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.

ANSWER: _____

- E) Commercial Dairy Farm Standards [OAR 660-033-0135(10)] A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

- 1) The subject tract will be employed as a commercial dairy. A “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk:
 - a) On land identified as high-value farmland, at least \$80,000 in gross annual income; or
 - b) On land not identified as high-value farmland, at least \$32,500 in gross annual income.

ANSWER: _____

- 2) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

ANSWER: _____

- 3) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;

ANSWER: _____

- 4) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

ANSWER: _____

- 5) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

- 6) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230 and a Producer License for the sale of dairy products under ORS 621.072.

ANSWER: _____

Farm Dwelling for Relatives [ORS 215.283(1)(e); OAR 660-033-0120 and 0130(9) and (30)]

- A) A dwelling on real property used for farm use may be approved if:
 - 1) The dwelling will be located on the same lot or parcel as the dwelling of the farm operator;

ANSWER: _____

- 2) The dwelling will be occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, step sibling, niece, nephew or first cousin of either;

ANSWER: _____

- 3) The farm operator does or will require the assistance of the relative in the management of the existing commercial farming operation; and

ANSWER: _____

- 4) The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

ANSWER: _____

- B) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size under LDO Section 4.2.12(A), if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purposes of this Section, “foreclosure” means only those foreclosures that do not meet the definition of partition under ORS 92.010(7)(a).

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

Accessory Farm Dwellings [ORS 215.283(1)(f); OAR 660-033-0120, 0130(24), (30)] A second or subsequent farm dwelling may be allowed if each accessory farm dwelling meets all of the following:

A) The accessory farm dwelling will be located:

1) On the same lot or parcel as the primary farm dwelling; or,

ANSWER: _____

2) On the same tract as the primary farm dwelling if the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other lots and parcels in the tract; or,

ANSWER: _____

3) On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only a manufactured home with a deed restriction. The deed restriction shall be filed with the County Clerk and require that the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain on the land when the land is conveyed to another party if the dwelling is re-approved as a primary farm dwelling under LDO Section 4.2.6(A) and (C); or,

ANSWER: _____

4) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code, or to similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. If approved, a condition of approval will require that all accessory farm dwellings approved under this subsection be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

ANSWER: _____

5) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in size and the lot or parcel complies with the gross farm income requirements of LDO Section 4.2.6(C)(3).

ANSWER: _____

B) An accessory farm dwelling approved under this subsection shall be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

-
- C) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling;

ANSWER: _____

- D) The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:

- 1) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years at least \$32,500 in gross annual income. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
- 2) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
- 3) It is located on a commercial dairy farm as defined in LDO Section 4.2.6(C)(5); and
 - a) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
 - b) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to .230 and a Producer License for the sale of dairy products under ORS 621.072.

ANSWER: _____

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- E) No land division may be approved for an accessory farm dwelling, unless an application is made and approved converting the accessory farm dwelling to a primary farm dwelling under LDO Section 4.2.6(A) and (C), and both parcels satisfy the 80-acre minimum lot size of LDO Section 4.2.12.

ANSWER: _____

- F) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a nonfarm dwelling.

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

- G) For the purposes of this Section, “accessory farm dwelling” includes all types of residential structures allowed by the applicable state building code.

ANSWER: _____

Nonfarm Dwelling [ORS 215.284(4)(A)(C), (3); OAR 660-033-0120 and 0130(4)(c)-(d) & (30)] A single-family dwelling, not provided in conjunction with farm use, may be approved if the following standards are met:

- A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

ANSWER: _____

- B) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the area, the cumulative impact of possible new nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. To address this standard, the applicant shall:

- 1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

ANSWER: _____

- 2) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwelling under this subparagraph; and

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

-
- 3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings, together with existing nonfarm dwellings, will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

ANSWER: _____

- C) The dwelling foundation will be situated upon a lot or parcel, or portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

ANSWER: _____

- 1) A lot or parcel, or a portion thereof, may not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land [ORS 215.283];

ANSWER: _____

- 2) A lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, it is not “generally unsuitable.” A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use;

ANSWER: _____

- 3) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the parcel. If a lot or parcel is under forest assessment, the area is not “generally unsuitable” simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as part of forestry operation, it is not “generally unsuitable.” If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment,

Note: Additional information may be submitted on 8. x 11 inch white paper.

to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

ANSWER: _____

D) The dwelling will be situated on:

- 1) A lot or parcel legally created before January 1, 1993; or
- 2) A lot or parcel legally created on or after January 1, 1993, as allowed under LDO Section 4.2.12(B) or (C). If a new parcel will be created, consideration shall be given as to whether approval of the parcel will lead to the creation of other nonfarm parcels, to the detriment of agriculture in the area. To address this standard, the provisions of subsection (A) above shall be used.

ANSWER: _____

E) The lot or parcel on which the dwelling will be located, does not contain a dwelling.

ANSWER: _____

F) If a new lot will be created, pursuant to subsection (D)(2) above, and LDO Section 4.2.12(B) or (C), the parent lot or parcel does not contain an ownership of record dwelling approved under LDO Section 4.2.6(F) or a forest dwelling approved under LDO Section 4.3.6.

ANSWER: _____

G) Final approval shall not be granted and septic or building permits shall not be issued for proposed dwellings which are reviewed under this Section on a lot or parcel which is, or has been, receiving special assessment until the applicant has furnished the County with evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308A.050 to 308A.128, or for other special assessment under ORS 308A.315, 321,257 to 321.381, 321.730, or 321.815, and that any additional taxes that have been imposed as a result of the disqualification have been paid. Final approval under this Section will not change the date the County's decision becomes final or the permit expiration period under LDO Section 4.1.3. [ORS 215.236(2) and (3)]

ANSWER: *If approved, a condition of approval will require proof of permanent disqualification of special assessment.*

Note: Additional information may be submitted on 8. x 11 inch white paper.

Ownership of Record Dwelling [ORS 215.705(1), (2), (5)-(7); OAR 660-033-0120 and 0130(3) & (30)]

A) A dwelling may be approved if:

1) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (B) below:

a) Since prior to January 1, 1985; or

b) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

ANSWER: _____

2) The tract on which the dwelling will be sited does not include a dwelling;

ANSWER: _____

3) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

ANSWER: _____

4) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

ANSWER: _____

5) The lot or parcel on which the dwelling will be sited is not high-value farmland, as defined in LDO Chapter 13, except as provided in subsection (D) below;

ANSWER: _____

6) When the lot or parcel on which the dwelling will be sited lies within a designated deer and elk habitat area, the siting of the dwelling shall be consistent with the limitations on density in LDO Section 7.1.1(C); and

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

- 7) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

ANSWER: _____

- B) For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

ANSWER: _____

- C) When the County approves an application for a single-family dwelling under this Section, the application may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.

ANSWER: _____

- D) Notwithstanding the requirements of subsection (A)(5), a single-family dwelling may be sited on high-value farmland if it meets the other requirements of this subsection and the Hearings Officer determines that:

- 1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary" circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, road, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

ANSWER: _____

- 2) The dwelling will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

ANSWER: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

- 3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in LDO Section 4.2.6 (H)(2).

ANSWER: _____

All applications for ownership of record dwellings on HVFL will be referred directly to the Hearings Officer under LDO Section 2.7.4(C).

- E) The County shall provide notice of all applications for ownership of record dwellings on high value farm land to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

ANSWER: _____

Residential Home [ORS 197.660(definition); 197.665(3); and 215.283(2)(o); OAR 660-033-0120 & 0130(5) & (30)]

- A) The existing dwelling shall have been lawfully established.

ANSWER: _____

- B) For purposes of this Section, “residential home” means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Land Conservation and Development, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

ANSWER: _____

ADDITIONAL CRITERIA

List any additional Criteria, specific to type of use. (Attach extra pages as needed)

Additional criteria findings attached (list): _____

Note: Additional information may be submitted on 8. x 11 inch white paper.

No additional criteria are applicable to this application.

THIS APPLICATION WILL NOT BE OFFICIALLY ACCEPTED UNTIL DEPARTMENT STAFF DETERMINES THE APPLICATION HAS BEEN COMPLETELY FILLED OUT, ALL APPLICABLE CRITERIA HAVE BEEN ADDRESSED, THE PLOT PLAN MAP IS CONSISTENT WITH THE REQUIREMENTS LISTED IN THE USER'S GUIDE, AND ALL FEES ARE PAID. THE DEPARTMENT WILL ADVISE IN WRITING IF THE APPLICATION AND/OR MAP IS UNACCEPTABLE.

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: _____

Note: Additional information may be submitted on 8. x 11 inch white paper.