



COMMUNITY DEVELOPMENT DEPARTMENT

360 SW Avery Avenue
Corvallis, OR 97333-1139
(541) 766-6819
www.co.benton.or.us/cd/

APPLICATION

NON-FARM DWELLING IN THE EXCLUSIVE FARM USE ZONE

File # _____

Fee: \$ _____
(SEE CURRENT FEE SCHEDULE)

ALL SECTIONS MUST BE COMPLETED. ATTACH ADDITIONAL SHEETS IF NECESSARY.
REVIEW WILL BEGIN ONLY WHEN THE APPLICATION IS DETERMINED TO BE COMPLETE

I. Property Owner(s) Information

Name(s): _____ Phone #1: _____
Mailing Address: _____ Phone #2: _____
City: _____ State: _____ Zip: _____ Email: _____

II. Applicant Information

Name(s): _____ Phone #1: _____
Mailing Address: _____ Phone #2: _____
City: _____ State: _____ Zip: _____ Email: _____

Other individuals to be notified of this application: Name, Address, City & Zip, or Email

III. Property Information

Site Address: _____
Assessor's Map & Tax Lot Number: T _____ S, R _____ W, Section(s) _____, Tax Lot(s) _____
Acreage: _____ Zoning: _____ Fire District: _____
Water Supplied By: _____ Sewage Disposal Type: _____
Existing Structures: _____
Current use(s) of the property: _____

IV. Request Summary (Example: "Conditional Use approval to operate a commercial kennel in the RR Zone.")

V. Attached Documentation: With all land use applications, the "burden of proof" is on the applicant. It is important that you provide ALL the information listed on the following pages at the time you submit your application. The processing of your application does not begin until the application is determined to be complete.

Please circle this property's Standard Industrial Class – SIC Code:

- | | | |
|--|--|---|
| <input type="checkbox"/> 001-Not in Production | <input type="checkbox"/> 017-Fruits and Tree Nuts | <input type="checkbox"/> 027-Animal Specialties |
| <input type="checkbox"/> 002-Cons. Reserve Prog. (CRP) | <input type="checkbox"/> 018-Hort. Specialties Crops | <input type="checkbox"/> 029-Gen. Farm, Primarily Livestock |
| <input type="checkbox"/> 011-Cash Grains | <input type="checkbox"/> 021-Livestock | <input type="checkbox"/> 081-Forestry including woodlots |
| <input type="checkbox"/> 013-Field Crops | <input type="checkbox"/> 024-Dairy Farms | <input type="checkbox"/> 082-Christmas Trees |
| <input type="checkbox"/> 016-Vegetables & Melons | <input type="checkbox"/> 025-Poultry and Eggs | |

Required Application Information

An application for a non-farm dwelling in the Exclusive Farm Use Zone must comply with the review criteria in Benton County Code (BCC) Section 55.220 and Oregon Administrative Rules (OAR) 660-033-0130(4), as well as the siting standards in BCC 55.405 and BCC Chapter 99. Copies of these sections of the Code are available at the Community Development Department. The information listed below must be submitted with the application and will be used to determine if the application complies with Code requirements for a dwelling.

1. A copy of deed(s) covering the subject property.
2. A copy of the easement granting access to any proposed parcel that does not have frontage on a public road.
3. Attach an accurate scale drawing of the property, showing the locations of existing structures, roads, water supply, subsurface sewage system, easements, driveways, etc., and the tentative location of all proposed structures and improvements. Show setback distances to property lines for all improvements. Label all tax lot(s). The proposed dwelling and all other structures shall be sited in compliance with BCC Sections 55.405.
4. Describe any special measures you propose to undertake in order to minimize the impacts on adjacent properties and public services, and to ensure compliance with the purpose of the zone. Consider such features as: location of the use on the parcel; road capacities in the area; driveway location; parking area; on-site traffic circulation; landscape or fencing separations; size of structures; signs; exterior lighting; noise; air emissions; drainage.
5. Is there an existing well or spring on the proposed parcel(s)? _____ Please attach a copy of a well log or pump test, if available, which identifies the rated yield of this water source. Please submit a copy of a coliform bacteria test.
6. Is there an approved site for a septic system on the proposed parcel(s)? Please attach a copy of any septic system records you may have available.
7. State law requires that prior to the establishment of a nonfarm dwelling, the entire subject parcel shall be disqualified from farm use property tax valuation and all tax penalties paid. The disqualified parcel would not be eligible for future farm use value. Are you participating in the program? _____ Please check with the Tax Assessor's Office to determine applicable tax penalties. Identify your tax penalty here: \$_____. The payment of the disqualification tax would be a condition of final approval.
8. As a condition of approval, the owner will be required to sign a declaratory statement to be recorded in the County Deed Records for the nonfarm parcel which identifies resources on adjacent lands and that residents of dwellings may be subjected to farm or forestry practices such as noise, dust, smoke, and other impacts. The owners and residents of the dwelling recognize the adjacent impacts are likely to occur, and agree not to complain in the future about accepted farming or forestry practices, or bring legal action to enjoin or seek damages for such practices.
9. Is the only access or proposed access to the property via a road that crosses a railroad? _____ If yes, draw the location on your map and explain here: _____

Complete either Section A or Section B (below) depending on whether the subject property is east or west of the summit of the Coast Range.

Non-farm Dwelling Criteria for property EAST of the summit of the Coast Range

1. Are there any existing residences on the subject property?

2. Identify the predominant soils on the entire tract, lot, or parcel. Provide information on the percentage of each soil type on the property. Would the dwelling be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils? If not, the application for a non-farm dwelling cannot be approved.
3. Provide information that the proposed dwelling would be consistent with the intent and purposes set forth in ORS 215.243.
4. Is the subject property under forest assessment? If yes, describe how the dwelling will be compatible with forest practices including, but not limited to harvesting, aerial spraying, slash burning, and chemical applications, as described in ORS 527.620(6). Describe how the dwelling will be sited on 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.
5. Describe how the proposed residence would not interfere seriously with accepted farming or forestry practices on surrounding lands. Describe how the dwelling will not increase the cost of farming or forestry practices on surrounding lands.
6. Analyze and discuss how 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 land use pattern in the area, consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard:
 - (i) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 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 nonresource uses shall not be included in the study area.
 - (ii) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under subsection 55.220 and subsection 55.230 of this rule, 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 nonfarm dwellings under this subparagraph;
 - (iii) 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.
7. Provide information that the dwelling will be sited on a lot or parcel which was created prior to January 1, 1993.
8. Is the proposed homesite situated at least 300 feet from all property lines? If not, describe how the proposed homesite conforms to the 300-foot setback to the greatest extent possible.

Nonfarm Dwelling Criteria for property located WEST of the summit of the Coast Range

1. Are there any existing residences on the subject property?

2. (i) The dwelling is situated upon a lot or parcel, or a 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 the tract. A lot or parcel shall 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; and
 - (ii) 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 a 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; or
 - (iii) 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 a part of a 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, 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;
3. 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 land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in BCC 55.220(1)(a)(C). If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in BCC 55.220(1)(a)(C); and
4. Describe how the proposed residence would not interfere seriously with accepted farming or forestry practices on surrounding lands. Describe how the dwelling will not increase the cost of farming or forestry practices on surrounding lands.
5. Provide information that the dwelling will be sited on a lot or parcel which was created prior to January 1, 1993, or will be sited on a parcel created under BCC 55.328.
6. Would the proposed nonfarm dwelling be located in a significant big game habitat area? Describe how the dwelling would be consistent with significant habitat values.
7. Is the proposed homesite situated at least 300 feet from all property lines? If not, describe how the proposed homesite conforms to the 300-foot setback to the greatest extent possible.
8. Describe how the proposed dwelling would not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone.
9. Identify the public improvements and describe how the proposed dwelling would not impose an undue burden on any public improvements, facilities, utilities, or services available to the area (i.e., roads, sewer, water, fire protection, law enforcement, etc.)

Signature(s)

I hereby certify that I am the legal owner(s) or contract purchaser of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested conditional use permit would not violate any deed restrictions attached to the property.

Owner/Contract Purchaser Signature

Date

Owner/Contract Purchaser Signature

Date

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____

File Number Assigned: _____ Planner Assigned: _____

Date Application Deemed Complete: _____