



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: (541) 766-6819

360 SW Avery Avenue

Corvallis, OR 97333

co.benton.or.us/cd

APPLICATION

NON-FARM DWELLING IN THE EXCLUSIVE FARM USE ZONE

EAST OF THE SUMMIT OF THE COAST RANGE

File #

Fee: \$ _____
(SEE CURRENT FEE SCHEDULE)

**ALL SECTIONS MUST BE COMPLETED. ATTACH ADDITIONAL SHEETS.
REVIEW WILL BEGIN ONLY AFTER 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. 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 after the application is determined to be complete.

Please indicate 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"/> 013-Field Crops | <input type="checkbox"/> 024-Dairy Farms | <input type="checkbox"/> 081-Forestry including woodlots |
| <input type="checkbox"/> 016-Vegetables & Melons | <input type="checkbox"/> 025-Poultry and Eggs | <input type="checkbox"/> 082-Christmas Trees |

Required Information

To be approved, an application for a non-farm dwelling in the Exclusive Farm Use Zone must demonstrate that all the review criteria in Benton County Code (BCC) Section 53.215, 53.220, 55.215, and 55.220 are met. If any of these criteria (presented below) are not met, the dwelling will be denied. The siting standards in BCC 55.405 and the development standards of BCC Chapter 99 will apply. Copies of these sections of the County Code are available at the Community Development Department and online:

<https://www.co.benton.or.us/planning>. The information listed below must be submitted with the application and will be used to determine if the application complies with Development Code requirements.

1. Was the property created prior to January 1, 1993? _____ (Yes or No)
2. Are there any existing dwellings on the subject property?
3. Describe how this property, and any adjacent properties in the same ownership, as a whole, are “generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.”
4. If this property or any adjacent properties in the same ownership are under forest tax deferral assessment, describe how they are “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 or lot.”
5. Identify all the soils on the entire property. Provide information on the acreage and percentage of each soil type. Would the dwelling be sited on a property “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”?
6. Attach an accurate scale drawing of the property, showing the locations of existing structures, roads, water supply, septic drainfields, wells, easements, driveways, etc., and the tentative location of all proposed structures and improvements. Show setback distances to property lines for all structures and improvements. Label all tax lots. The proposed dwelling and all other structures shall be sited in compliance with BCC 55.405 and Chapter 99.
7. Are there any easements benefitting or encumbering the subject property? _____ (Yes or No) If you are unsure, you need to have a title search conducted. Attach a copy of all easements benefitting or encumbering the subject property, whether access, septic drainfield, utility, etc.

8. Is the only access or proposed access to the property via a road that crosses a railroad? _____ (Yes or No)
If yes, draw the location on your map and explain here: _____
9. A copy of the most recent deed(s) covering the subject property and any adjacent property in the same ownership. Do you own any adjacent properties? _____ (Yes or No) If yes, indicate on the drawing.
10. Describe how the dwelling would or would not seriously interfere with accepted farming and forestry practices on surrounding lands, with the character of the area, or with the purpose of the zone.
11. Describe how the dwelling would or would not force a significant change in accepted farming or forestry practices on surrounding lands devoted to farm or forest use.
12. Describe how the dwelling would or would not significantly increase the cost of accepted farming or forestry practices on surrounding lands.
13. 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).
14. Describe how the dwelling would or would not impose an undue burden on any public improvements, facilities, utilities, or services available to the area.
15. Describe any special measures you propose to undertake to minimize any potential negative impacts on surrounding properties and public services, and to ensure compliance with the purpose of the zone and provisions of Benton County Code and Oregon Revised Statutes. Consider such features as: location of the dwelling on the property; road capacities in the area; driveway location; landscape or fencing separations; exterior lighting; drainage.
16. Is there a well or spring on the property? _____ Attach copies of any records you have available. A dwelling building permit cannot be approved if the well or spring does not meet the requirements in BCC Chapter 99. Is there an approved site for a septic system on the property? Please attach copies of any records you have available. A dwelling building permit cannot be approved if the dwelling's sewage disposal does not meet the requirements in BCC Chapter 99. The applicant should discuss the sequencing of the well drilling, septic approval, and non-farm dwelling application with a County planner.

Acknowledgements

1. As a Condition of Approval, the dwelling would be required to be sited at least 300 feet from property zoned for resource use, or shall conform to this standard to the greatest extent possible. This requirement might not be applied to setbacks adjacent to a public road or unconstructed right-of-way. All owners must initial here that they recognize this requirement: _____
2. If the property is in a significant big game habitat area as identified in the Natural Resources and Hazards Background Report, then the Planning Official will ask Oregon Department of Fish and Wildlife how consistent the dwelling would be with significant habitat values. The County will make findings regarding consistency.
3. State law requires that prior to the establishment of a nonfarm dwelling, the entire subject property shall be disqualified from farm use and forest use property tax valuation and all taxes and penalties paid. The disqualified parcel would not be eligible for future farm use taxation value. Is the property currently under farm or forest tax deferral? _____ Check with the Tax Assessor's Office to determine applicable tax

penalties (541-766-6855). The name of the representative you spoke with is: _____.

Payment would be a Condition of Approval.

4. As a Condition of Approval, the property owner would be required to sign for recording a covenant acknowledging the rights of surrounding property owners to conduct farm and forestry operations and recognizes the hazards likely to occur in the area, including noise, smoke, herbicide and pesticide spraying, slash burning, timber cutting, crown fires, hunting, and the use by big game, bears, and cougar. The covenant states that the grantee and heirs, assigns and lessees acknowledge “the need to avoid activities that negatively impact nearby farm or forest uses” and agree to bring no legal action regarding the aforementioned uses. All owners must initial here that they recognize this requirement: _____

5. If the County determines that the dwelling would materially alter the stability of the overall land use pattern of the area, the dwelling application will be denied. To determine whether the proposed nonfarm dwelling would alter the stability of the land use pattern in the area, the County will consider the cumulative impact of possible new nonfarm dwellings and parcels on the other properties in the area similarly situated. To address this standard this County will:

- (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 non-resource uses would not be included in the study area.
- (ii) 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, 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 would 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.

All owners must initial here that they recognize this requirement: _____

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 Received: _____ By: _____ File #: LU- _____ Deemed Complete: _____