



Benton County

COMMUNITY DEVELOPMENT DEPARTMENT

Office: Kalapuya Building
4500 SW Research Way
Corvallis, OR 97333
(541) 766-6819
www.co.benton.or.us/cd

APPLICATION

LOT OF RECORD DWELLING IN THE EXCLUSIVE FARM USE ZONE OR MULTI-PURPOSE AGRICULTURE ZONE (Non-High Value or High Value Soils)

File # _____

Fee: \$ _____
(SEE CURRENT FEE SCHEDULE)

Property Owner or Contract Purchaser Information

Name: _____ Day Phone: _____

Address: _____ Alternate Phone: _____

City & Zip: _____ Email: _____

Other individuals to be notified of this application:

<u>Name</u>	<u>Address</u>	<u>City & Zip</u>	<u>Email</u>

General Property Information

Assessor's Map & Tax Lot Number: T _____ S, R _____ W, Section(s) _____, Tax Lot(s) _____

Acreage: _____ Zoning: _____ Existing Structures: _____

Current use(s) of the property; if farmed, list the crops or livestock produced: _____

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"/> 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 |

When was the subject property first described in its current configuration in a separate recorded legal description? _____ Recorded Document Number: _____

Uses of adjacent property (not under the ownership of the applicant):

North of property: _____

South of property: _____

East of property: _____

West of property: _____

Section I: Required Application Information (You will also need to complete either Section II or III.)

An application for a lot-of-record dwelling in the Exclusive Farm Use Zone must comply with the review criteria in Benton County Code (BCC) Section 55.230 and Oregon Administrative Rule (OAR) 660-033-0130(3), 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.**

Please attach additional sheet(s), as necessary, to provide the following information.

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. Is the only access or proposed access to the property via a road that crosses a railroad? _____ If yes, please draw the location on your map and explain here: _____
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 Section 55.405.
4. Submit recorded documents verifying that the lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner prior to January 1, 1985, or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
5. Identify by Assessor's Map and Tax Lot number any contiguous properties in the same ownership as the subject property. Also identify any contiguous properties that were in the same ownership as the subject property on November 4, 1993.
6. Is there currently a dwelling on any of the following: the subject property; contiguous property in the same ownership as the subject property; contiguous property that was in the same ownership as the subject property on November 4, 1993? A dwelling on any of these properties will preclude approval of a dwelling for the subject property.
7. Identify the soil types on the subject property, and the acreage in each soil type. [The soil type is determined from the US Soil Conservation Service "Soil Survey of Benton County".]
8. Is the lot or parcel on which the dwelling will be sited within an area designated as a big game habitat area? _____ If yes, how many dwellings are in the big game habitat in this section? _____ Explain how the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
9. Identify the facilities and services in the area (roads, utilities, fire protection, etc.).

10. What are the conditions and capabilities of these facilities and services?
11. How will the proposed dwelling affect the capabilities of these facilities and services?
12. What is the overall land use pattern of the area? What are the parcel sizes and uses? Are there dwellings on parcels of sizes similar to the subject property? Please identify by showing on a map (or by address or Assessor's Map and tax lot numbers). Would the proposed dwelling alter the land use pattern in the area?
13. Have any measures been taken to reduce potential impacts to area properties? Please discuss these or other measures taken: size and location of site; road capacities in the area; number and location of access points; location and amount of parking; internal traffic circulation; fencing screening, and landscape separations; exterior lighting; noise, vibration, air pollution, and other environmental influences; water supply and sewage disposal; law enforcement and fire protection.
14. List the soil types that occur on the property, the percentage of each soil type, and the soil capability class for each soil type.

15. The parcel is predominantly composed of:

- Non-high value farmland
- High-value farmland - soils that are classified prime, unique, Class I or Class II when irrigated or not irrigated (BCC 55.015(2)(a))
- High-value farmland - soils in Class III or IV, or any combination of Class I or II and soils listed at (BCC 55.015(2)(b)(A-D))
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- If YES, go to Section II. If NO, go to Section III.**

Section II: ONLY FOR PROPERTIES PREDOMINANTLY COMPOSED OF HIGH-VALUE FARMLAND SOILS

The Planning Commission must determine that the following criteria are met. Please address each of these in detail:

1. Explain why 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.
 - a. (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 of 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, roads, 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.)
2. Describe how the dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
3. Describe how the dwelling will not significantly increase the cost of accepted farm or forest practice on surrounding lands devoted to farm or forest use.

4. 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:
 - a. 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 shall not be included in the study area.
 - b. 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 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;
 - c. 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.

Section III: Class III and IV High-Value Soils

1. Total acreage of all continuous parcels in the same ownership as the subject property: _____ If the acreage exceeds 21 acres the dwelling can not be approved.
2. Identify all tracts adjacent to the subject property that are smaller than 21 acres.
3. Is the subject tract bordered on at least 67% of its perimeter by these tracts? (Identify tracts by Assessor's Map and tax lot number).
 - a. If yes, were at least two dwellings established on such tracts by January 1, 1993? _____ Please identify dwellings by address or assessor's tax lot number.
 - b. If no, is the subject tract bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres? (Please identify by Assessor's Map and tax lot number). Were at least four dwellings within one-quarter mile of the center of the subject tract established by January 1, 1993? Please identify by Assessor's Map and tax lot number. Up to two of the four dwellings may be within an urban growth boundary if the subject tract abuts an urban growth boundary.

Section IV: Acknowledgments

Signature(s)

Assessed Property Value Notice

This action or any future related action(s), if approved, may result in a change to my property valuation, and therefore the tax amount I pay annually. I will contact the Assessor's Office at 541-766-6855 to discuss and understand potential property tax impacts.

I understand

I hereby certify that I am the legal owner 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 farm dwelling 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: _____