

STEPS

The following is a step-by-step outline for making an application:

- ❖ **Obtain an Application.** Applications are available at the Planning Division or on-line at our planning website. The application lists all of the requirements with more explanation.
- ❖ **Consultant's Help.** A list of consultants is available at the Planning Division and as a handout on our website.
- ❖ **Ask Questions.** The Planning Division is available to help answer general questions and guide you through the process.
- ❖ **File the Application.** Bring your completed application to the Planning Division with the required fee.
- ❖ **Notice Sent.** State law requires notice of the application be sent to nearby property owners for comments. A copy of the application is also sent to state land use agencies and the Department of Land Conservation and Development (DLCD). Ten days is given for comments and/or objections; after which time, staff will review the file and comments to reach a decision. Notice of the decision is mailed to nearby property owners and a twelve-day appeal period follows where the decision can be appealed by anyone who has commented on the application. The Planning Director may also schedule a public hearing if necessary. Time limits vary with each application depending on the complexity.

Disclaimer

This brochure is for information purposes only and is not a complete list of all codes relating to farm dwellings. The complete set of codes is available online and at the Community Development Department. Rules are subject to change, and likely will. Please always check to verify you have the most current flyer or codes, both available on the website.

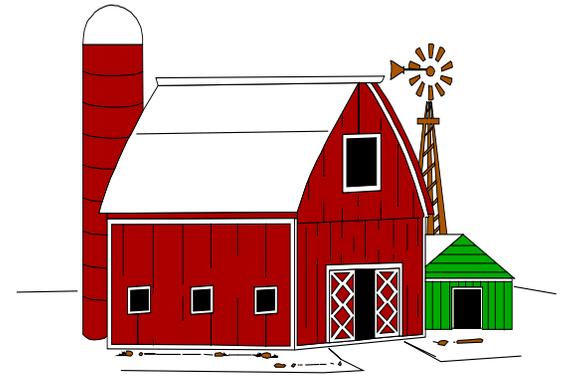


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JOSEPHINE COUNTY COMMUNITY DEVELOPMENT



FARM DWELLINGS

All dwellings to be built on farm zoned lands must receive a special permit from the Planning Office. There are four different types of applications for farm dwellings. The following is a summary of the rules for each type of dwelling request:

LOT OF RECORD DWELLING

A parcel qualifies for a dwelling under the “Lot of Record” test if all of the following exist:

- ❖ the parcel was created before January 1, 1985
- ❖ the parcel has been owned by the same person (or the person’s heir) since January 1, 1985
- ❖ no dwellings now exist on the parcel or adjacent parcels owned by the same person
- ❖ the parcel meets density limits for wildfire habitat areas
- ❖ adjacent parcels under the same ownership have been consolidated into one legal parcel
- ❖ the parcel is composed primarily of non-high value soils (Lot of Record dwelling on high-value soils must be approved by a Hearings Officer for the Oregon State Department of Agriculture)

NON-FARM DWELLING

Generally speaking, non-farm dwellings are permitted when the land is not good for farming and the house will not conflict with nearby resource uses. All of the following criteria must be met:

- ❖ the dwelling will not alter the stability of the land use pattern in the area (requires a detailed review of nearby parcelization and land uses)
- ❖ the dwelling will not cause a change or increase in the cost of nearby farm or forest practices (this requires a technical survey and discussion of surrounding resource uses in relationship to the house)
- ❖ the parcel (or the portion where the house will be located) is generally unsuitable for farm use
- ❖ the entire parcel is declassified from special tax assessment (that may require the payment of tax penalty)

COMMERCIAL FARM DWELLING

Three methods can be used to approve a commercial farm dwelling, and they are highlighted as follows:

- 1. Minimum Size Test:** The parcel is currently farmed and at least 160 acres in size.
- 2. Production Capability:** The parcel is currently farmed, is between 10 and 160 acres in size, and the crop production level and parcel size meet a complex comparison test with other similar parcels in the vicinity.
- 3. Actual Income Test:** The parcel is less than 160 acres in size, and actual income from the farm for part of the last 5 years exceeds certain income levels as determined by one of three formulas.

FARM HELP DWELLING

In the case of farm help dwellings, the application must show a commercial farm already exists on the property. Proof of the commercial status of the farm is required by state law, and the application must contain a detailed description of current crops, animals, equipment, buildings, income and marketing practices. You must also show the dwelling is one which is customarily provided on other commercial farms of similar size and intensity.

In the case of a farm help-dwelling for a relative, the application must disclose the blood relationship between the occupant of the dwelling and the farm operator or the farm operator’s spouse. The application must also indicate how the relative will assist in the farm operation.

OTHER RULES

There are other standards for permits. Records or evidence must be submitted to show the following:

- ❖ soil map with type and class
- ❖ parcel legally created
- ❖ copy of deed with owner’s name
- ❖ house location rules showing detailed site map to scale
- ❖ conflict statement signed and recorded
- ❖ verification of irrigation rights