### FARM ZONE DWELLINGS

**PRE-APPLICATION FEE:** $375  
**APPLICATION FEE:** $2,500

<table>
<thead>
<tr>
<th>PROPERTY &amp; APPLICATION INFORMATION</th>
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<tbody>
<tr>
<td>ASSESSOR'S LEGAL DESCRIPTION:</td>
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<tr>
<td>TWN _____ RNG _____ SEC _____ QTR _____ TAX LOT(S) __________________</td>
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<td>TWN _____ RNG _____ SEC _____ QTR _____ TAX LOT(S) __________________</td>
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<tr>
<td>PROPERTY ADDRESS: __________________</td>
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<td>EXISTING ZONING: __________________</td>
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<tr>
<td>COMPREHENSIVE PLAN: ________________</td>
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<tr>
<td>PARCEL SIZE(S): ________________</td>
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<td>SPECIAL ASSESSMENT: Yes</td>
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<tr>
<td>ALL APPLICATIONS: COMPLETE PAGES 1-5 &amp; 17-20 (Complete additional pages as noted below)</td>
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<tr>
<td>TYPE OF APPLICATION:</td>
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<tr>
<td>Lot of Record (p. 6-7)</td>
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<tr>
<td>Farm Dwelling (p. 8-14 - select Minimum Size, Production Capability, or Actual Income Test)</td>
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<tr>
<td>Accessory Farm Dwelling (p. 13-16)</td>
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<tr>
<th>OWNERSHIP &amp; APPLICANT INFORMATION</th>
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<tr>
<td>OWNER'S NAME: __________________</td>
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<td>TEL: __________________</td>
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<td>MAILING ADDRESS: __________________</td>
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<td>APPLICANT'S NAME: __________________</td>
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<td>REPRESENTATIVE: __________________</td>
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Revised 5/2011

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APPLICANT’S STATEMENT OF UNDERSTANDING

I ______________________________, have filed an application for a **FARM ZONE DWELLINGS** with the Josephine County Planning Office to be reviewed and processed according to state and county requirements. I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the pre-application review of this request do not constitute final authority or approval, and that I am not entitled to rely upon any such expressions in the place of final approval.

2. I understand I may ask questions and receive input from planning staff, but acknowledge that I am ultimately responsible for all information and documentation submitted with this application. I further understand planning staff cannot legally bind the county to any fact or circumstance that conflicts with state or local laws, and in the event a conflict occurs, all such statements or agreements are void.

3. I understand I have the burden of demonstrating my application meets all of the applicable criteria. The criteria for approving or denying my request have been furnished to me as a part of this application and I acknowledge receipt.

4. I understand planning staff is entitled to ask for additional information or documentation any time after the submission of this application if it is determined such information is needed for the review of my application.

5. I understand my application may be reviewed by the Oregon Department of Land Conservation and Development (DLCD). If this happens, and DLCD comments on the application, I understand DLCD has the authority to appeal the county's decision to the Oregon Land Use Board of Appeals if it chooses to do so.

6. I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree it is my sole responsibility to make out the case in favor of the application.

7. I understand I am entitled to have a lawyer or a land use consultant help me with my application and to appear with me (or for me) at any appointment, conference or hearing relating to it.

8. I understand the processing of my application may require a site visit, which may include officials from other agencies, and photographs are commonly taken. Advance notice of the visit will be provided when the site is also a personal residence.

DATE: _______________________, 20______.

OWNER/APPLICANT*

* If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application.

STATE OF OREGON } ss.
County of Josephine

On this _____ day of _______________ , 20______, ________________________________, personally came before me, a Notary Public for the State of Oregon and the County of Josephine, and executed the above Statement of Understanding and acknowledged to me that it was freely and voluntarily done.

NOTARY SEAL

Notary Public, State of Oregon
My Commission Expires: __________________
INTRODUCTION

Dwellings can be approved on farm zoned lands when any one of the following tests is met:

- **LOT OF RECORD** test
- **NON-FARM** test
- One of the following **COMMERCIAL FARM** tests
  - **MINIMUM SIZE** test
  - **PRODUCTION CAPABILITY** test
  - **ACTUAL INCOME** test
- **ACCESSORY FARM DWELLING** test

A checklist of requirements applicable to all applications is captioned immediately below, followed by a listing of the specific requirement for each test. Be sure to go through the checklists carefully to be sure all the required information is included. **Missing information will cause your application to be delayed or rejected.** If you have questions about the application, please call the Planning Office. Keep in mind, however, it is your responsibility to obtain all of the information needed to support your request.

**REQUIREMENTS FOR ALL APPLICATIONS**

1. **PRE-APPLICATION FEE** (*To be submitted with completed application*).

2. **A COMPLETED APPLICATION COVER SHEET**.

3. **A SIGNED & NOTARIZED STATEMENT OF UNDERSTANDING**.

4. **PLOT PLAN ATTACHED**. Information required:
   
   ____ Scale (1" = 20', 50', 100', etc.) and North Arrow shown. The map and all placements must be drawn to scale.
   
   ____ Proposed dwelling and all accessory structure sites are shown. The distances from the two closest property lines must also be shown.
   
   ____ Access driveway, showing streams (including flood lines), ravines, ditches or other similar terrain features which must be traversed.
   
   ____ Septic system location (including tank, primary drainfield and replacement drainfield with distances from the two closest property lines). Identify distance from watercourses.
   
   ____ Location of the domestic water supply and source (well, spring, stream, etc.).
   
   ____ Location of easements, including any used for legal access to the lot, parcel or tract.
5. **VERIFICATION OF LEGAL LOT.** The legal status of the parcel proposed for development must be established by documentation showing how and when the parcel was created. You must attach one of the following:

- Copy of the deed or contract originally creating the parcel in its present size and design.
- Copy of recorded partition or subdivision plat.
- Copy of other Planning Office (Legal Lot Determination) or Court action (decree or foreclosure instrument).

6. **SOIL DOCUMENTATION.** The application must document the soils present on the property. This information is available from the Soil Conservation Service's *Soil Survey for Josephine County*. Please provide the following information:

- The soil classes present on the property are:

<table>
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<tr>
<th>SOIL TYPE</th>
<th>CLASS</th>
<th>% OF</th>
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- Copy of SCS map with parcel boundaries identified to scale is attached.

- The predominant (51% or more) class of soil on the parcel is: ________________________.

7. **HIGH VALUE SOILS.** The restrictions on siting residential development differ if the lot, parcel and/or tract, proposed for development is composed predominantly (51%) of high value farm soils. Oregon law defines "high value" farmland as lands which are classified by the Soil Conservation Service as:

- prime; or
- unique; or
- Class I or Class II; or
- tracts growing specified perennials (grown for market or research, including such crops as nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but excluding seed crops, hay, pasture or alfalfa).

- You will need to submit an aerial photograph from the Soil Conservation Service demonstrating the presence or absence of perennial plants.
8. **CROP INFORMATION.** If the proposed parcel has been used to grow crops in the past, or is currently used to grow crops, this information must be submitted with the application. Please provide the following:

____ The subject parcel has never been used to grow crops; or

____ The parcel has been used to grow crops in the past, but is not presently used for crop production. The last crop or crops were grown in the year of ____________, and consisted of (use attachment if necessary):

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

____ The parcel is currently being used to grow crops, which consist of (use attachment if necessary):

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

____ Does the property have irrigation rights? □ Yes. □ No. If the answer is "yes", please attach verification of irrigation rights from the Watermaster's Office.

9. **SITING STANDARDS.** The home and accessory structures must be sited on land which is unsuitable for the production of farm crops, livestock or merchantable tree species. The siting evaluation shall consider the following factors: terrain, soil and land conditions, drainage and flooding areas, access, vegetation, and the location and size of the tract. In addition, if the parcel is under a forest assessment, the dwelling must be sited upon land generally unsuitable for the production of merchantable tree species recognized by the Oregon Forest Practice Rules. Therefore, include with your application:

____ A site plan map with the conditions justifying the dwelling site clearly depicted or noted.

10. **CONFLICT STATEMENT.** As a condition of approval for any dwelling in a farm zone, the property owner must sign and record a written statement which acknowledges the rights of nearby landowners to conduct normal resource operations, and that approved resource uses will be given preference over residential uses in the event of conflict. A copy of the statement is attached to this application.

____ A copy of a executed and recorded Conflict Acknowledgment is attached to this application.
LOT OF RECORD TEST

1. **NON-HIGH VALUE SOILS.** The parcel proposed for residential development cannot be composed predominantly (51%) of high value farm soils. Oregon law defines "high value" farmland. The definition and requirements are found in number 7 on pages 4 & 5 above. All requests for Lot of Record Dwellings on parcels composed predominantly of high value farmland must be reviewed and approved by a hearings officer. The hearings officer must find the parcel cannot be practically managed for farm use (alone or in conjunction with other land) because of extraordinary circumstances in the nature of the land or its physical setting. There must also be a finding the dwelling will not interfere with nearby farm uses or materially alter the land use pattern in the area.

   ___ You will need to submit documentation specified in number 7, on pages 4 & 5 above.

   **NOTE:** The county's lot of record dwelling permit on high value farmland can be issued only after it has received a conformed copy of the hearings officer's approval. Applicants for dwellings on high value farmland must apply directly with the Oregon Department of Agriculture.

2. **OWNERSHIP.** The present owner must have acquired the subject parcel prior to January 1, 1985, or later became owner by inheritance from someone who acquired the property prior to January 1, 1985. The application must include:

   ___ A copy of the deed (dated prior to January 1, 1985) by which the present owner acquired the property.

   ___ A copy of the court decree showing acquisition by the present owner by inheritance, together with a copy of the deed (dated prior to January 1, 1985) by which the previous owner acquired the property.

3. **CONSOLIDATED PARCELS.** If the parcel on which the dwelling is proposed is part of a “tract,” the request cannot be approved until all of the parcels in the tract have been consolidated into a single parcel. A “tract” of land is one or more contiguous parcels under the same ownership. If you own a contiguous parcel or parcels, a separate application for a Lot Line Adjustment must be submitted with this application. A Lot of Record Dwelling cannot be approved until contiguous parcels are consolidated. No other dwelling may present on any other parcel in the tract. Please indicate one of the following:

   ___ This parcel on which the dwelling is proposed is not a part of a “tract,” or

   ___ If the parcel is part of a tract, there is no other dwelling or dwellings now located anywhere on the tract.

   ___ If the parcel is part of a tract, a Lot Line Adjustment application has been submitted with this application.

   **NOTE:** The Lot of Record Dwelling cannot be approved until the Lot Line Adjustment is finalized.

4. **TAX DEFERRAL STATUS.** Your application cannot be approved unless the entire property has been "declassified" from special tax assessment status as farm or forest land. Taking your property out of a special tax classification may result in a significant tax penalty, and you should check with the Assessor's Office to determine the consequences. While your application will be processed prior to actual declassification, no approval can be entered until you submit documentation from the Assessor and Tax Offices showing the property is declassified.
NON-FARM TEST

1. **COMPATIBILITY.** The dwelling or activities associated with the dwelling cannot force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest uses. Your application must furnish the following information by attachment:

   ___ The location, size and zoning of adjacent properties;

   ___ The location of dwellings on adjacent properties;

   ___ A detailed description of farm and forest activities presently being conducted on nearby lands (if this information is not known, it is incumbent on you to survey nearby landowners to obtain the information). The description should address such facts as:

   ___ Nature of forest stands & approximate maturity
   ___ Harvested forest stands & date(s) of harvest
   ___ Reforested land & date(s) of reforestation
   ___ Pre-commercial thinning & date(s)
   ___ Clear-cutting & date(s)
   ___ Small woodlot management
   ___ Christmas tree plantation
   ___ Grazing land (identify animals)
   ___ Agricultural crops
   ___ Chemical spraying (forest or agricultural)
   ___ Hay production
   ___ Annual or perennial crops (varieties; planting, fertilizing and harvesting practices)
   ___ Water impoundments; Drainage ways
   ___ Other activities (use attachment if necessary):

   A narrative explanation demonstrating why the proposed dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands which are devoted to these uses. The explanation shall especially relate to intensive farm or forest practices, such as the use of fertilizers, insecticides, crop dusting, road building, clear-cutting, water seepage, dust, noise or smell impacts, etc., showing how the dwelling will not effect these practices.

2. **LAND USE PATTERN.** The dwelling cannot materially alter the overall land use pattern of the area. This requires an evaluation of the land uses and parcelization pattern in the area. Your application must include the following information:

   ___ A copy of the Assessor's map(s) with a circle centered on and drawn around the subject parcel. The study area must be at least 2000 acres (equivalent to an area with a 1 mile radius) or a smaller area not less than 1000 acres if the smaller area is a distinct agricultural area. The map must be noted or keyed to show the specific land uses on each parcel within the circle. You may want to cross-reference this information to your answer to question on COMPATIBILITY, immediately above.
An original copy (no photocopies) of an aerial photograph(s) with the land use circle drawn on it.

NOTE: original copies of aerial photographs can be purchased at the County Surveyor's Office.

3. TAX DEFERRAL STATUS. Your application cannot be approved unless the entire property has been "declassified" from special tax assessment status as farm or forest land. Taking your property out of a special tax classification may result in a significant tax penalty, and you should check with the Assessor's Office to determine the consequences. While your application will be processed prior to actual declassification, no approval can be entered until you submit documentation from the Assessor and Tax Offices showing the property is declassified.

NOTE: Proof of declassification must be submitted 14 days after notice of tentative approval of the Non-Farm Dwelling is mailed.

COMMERCIAL FARM TESTS

There are three tests that can be utilized when determining whether a dwelling may be allowed as customarily provides in conjunction with a farm use. Each test will be reviewed with the requirements.

MINIMUM SIZE TEST

1. NON-HIGH VALUE SOILS. The parcel proposed for residential development cannot be composed predominantly (55%) of high value farm soils. Oregon law defines “high value” farmland and the definition and requirements are found in number 7 on pages 4 & 5 above.

   You will need to submit documentation specified in number 7, on pages 4 & 5 above.

   NOTE: All requests for a farm dwelling on tracts composed predominantly of high value farmland must utilize the Actual Income test described later in this application.

2. COMMERCIAL FARM USE EXISTS. A commercial farm use must presently exist on the property, and this must be established by the information submitted with this application. In addition, the dwelling must be one that is customarily provided in conjunction with a commercial farm enterprise. State law provides two definitions to guide the "commercial farm use" evaluation:

   FARM USE: the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or the feeding, breeding, management and sale of livestock (including dairy animals and products), poultry, fur-bearing animals, honeybees, or horticulture.

   COMMERCIAL: a farm use which contributes in a substantial way to the local economy and helps maintain agricultural processors and established farm markets. The connection between the farm use and the local economic and farm community must be established by objective, factual evidence which focuses on not only what is produced, but how much and how it is marketed.

Your application should include an attachment which carefully shows how the farm operation meets these definitions. This information will be reviewed by not only local planners, but must also be forwarded to the Oregon Department of Land Conservation and Development (DLCD) in Salem for review and comment. DLCD has the
power to appeal any local decision it concludes is inadequately supported. For this reason, planning staff recommends the following minimum factual information be included with the application:

___ A list of current crops, the acreage devoted to each crop and the per acre yields for each crop;
___ A list of kind and number of animals raised or bred on the farm;
___ An income statement for the last year of farm operation (additional years may be helpful);
___ A list of farm equipment, showing the year, model, value and use for each item;
___ A list of farm structures, showing size, use and value for each structure;
___ A description of planned changes or expansions in land holdings, crops, animals, farm equipment or structures, etc.;
___ A description of the farm operator's farm background or experience;
___ A description of marketing outlets and strategies for farm products.

3. OCCUPANT ENGAGED IN THE FARM USE. The occupant of the proposed dwelling must be someone who is principally engaged in the farm use (planting, harvesting, marketing or caring for livestock). Your application must include:

___ A written description of the occupant's role in the farm use, including the number of hours employed (note seasonal circumstances), the work to be performed, the special farm skills or trades provided by the occupant, and any other circumstances which show how the occupant will be needed to further the farm enterprise.

4. NO OTHER DWELLING AVAILABLE. A farm dwelling is allowed only when there is no other available dwelling on the same farm or ranch. The prohibition does not apply if the additional dwelling or dwellings are occupied by persons who work on the same farm or ranch. Please provide the following information:

___ There is no other dwelling on the farm or ranch.
___ There is another dwelling(s) on the farm. It is occupied by (describe occupant's relationship to the farm):

5. MINIMUM LOT SIZE NEEDED. The parcel on which the dwelling is proposed is part of a "tract," which is at least 160 acres in size and not designated rangeland. A "tract" of land is one or more contiguous parcels under the same ownership.

___ Submit documentation that the lot or parcel is part of a tract which is at least 160 acres in size and not designated rangeland.
1. **NON-HIGH VALUE SOILS.** The parcel proposed for residential development cannot be composed predominantly (51%) of high value farm soils. Oregon law defines "high value" farmland and the definition and requirements are found in number 7 on pages 4 & 5 above.

   ___ You will need to submit documentation specified in number 7, on pages 4 & 5 above.

   **NOTE:** All requests for a farm dwelling on tracts composed predominantly of high value farmland must utilize the Actual Income test described later in this application.

2. **COMMERCIAL FARM USE EXISTS.** A commercial farm use must *presently exist* on the property, and this must be established by the information submitted with this application. If the commercial farm does not exist, the farm must be established before the building permits can be issued for the dwelling. In addition, the dwelling must be one that is customarily provided in conjunction with a commercial farm enterprise. State law provides two definitions to guide the "commercial farm use" evaluation:

   **FARM USE:** the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or the feeding, breeding, management and sale of livestock (including dairy animals and products), poultry, fur-bearing animals, honeybees, or horticulture.

   **COMMERCIAL:** a farm use which contributes in a substantial way to the local economy and helps maintain agricultural processors and established farm markets. The connection between the farm use and the local economic and farm community must be established by objective, factual evidence which focuses on not only what is produced, but how much and how it is marketed.

Your application should include an attachment which carefully shows how the farm operation meets these definitions. This information will be reviewed by not only local planners, but must also be forwarded to the Oregon Department of Land Conservation and Development (DLCD) in Salem for review and comment. DLCD has the power to appeal any local decision it concludes is inadequately supported. For this reason, planning staff recommends the following minimum factual information be included with the application:

   ___ A list of current crops, the acreage devoted to each crop and the per acre yields for each crop;
   ___ A list of kind and number of animals raised or bred on the farm;
   ___ An income statement for the last year of farm operation (additional years may be helpful);
   ___ A list of farm equipment, showing the year, model, value and use for each item;
   ___ A list of farm structures, showing size, use and value for each structure;
   ___ A description of planned changes or expansions in land holdings, crops, animals, farm equipment or structures, etc.;
   ___ A description of the farm operator's farm background or experience;
   ___ A description of marketing outlets and strategies for farm products;
If commercial farm not established, indicate when you will begin farming.

3. **OCCUPANT ENGAGED IN THE FARM USE.** The occupant of the proposed dwelling must be someone who is principally engaged in the farm use (planting, harvesting, marketing or caring for livestock). Your application must include:

   ____ A written description of the occupant's role in the farm use, including the number of hours employed (note seasonal circumstances), the work to be performed, the special farm skills or trades provided by the occupant, and any other circumstances which show how the occupant will be needed to further the farm enterprise.

4. **NO OTHER DWELLING AVAILABLE.** A farm dwelling is allowed only when there is no other available dwelling on the same farm or ranch. The prohibition does not apply if the additional dwelling or dwellings are occupied by persons who work on the same farm or ranch. Please provide the following information:

   ____ There is no other dwelling on the farm or ranch.

   ____ There is another dwelling(s) on the farm. It is occupied by (describe occupant's relationship to the farm):

5. **PRODUCTION CAPABILITY of the TRACT.** The parcel on which the dwelling is proposed is part of a "tract," which must meet one of the following wage and size tests. The DLCD has provided guidelines for applying this criteria. A "tract" of land is one or more contiguous parcels under the same ownership.

   ____ 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; and

   ____ 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 Section 64.070(A)(2)(a) (criteria is shown above).

6. **SIZE OF PARCEL:** The subject lot or parcel in which the dwelling is proposed is not less than ten acres.

   **ACTUAL INCOME TEST**

1. **HIGH VALUE SOILS.** If the parcel proposed for residential development is composed predominantly (51%) of high value farm soils, then this test must be utilized. Oregon law defines "high value" farmland and the definition and requirements are found in number 7 on pages 4 & 5 above.

   ____ You will need to submit documentation specified in number 7, on pages 4 & 5 above.

2. **COMMERCIAL FARM USE EXISTS.** A commercial farm use must presently exist on the property, and this must be established by the information submitted with this application. If the commercial farm does not exist, the farm must be established before the building permits can be issued for the dwelling. In addition, the dwelling must be one that is customarily provided in conjunction with a commercial farm enterprise. State law provides two definitions to guide the "commercial farm use" evaluation:
**FARM USE:** the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or the feeding, breeding, management and sale of livestock (including dairy animals and products), poultry, fur-bearing animals, honeybees, or horticulture.

**COMMERCIAL:** a farm use which contributes in a substantial way to the local economy and helps maintain agricultural processors and established farm markets. The connection between the farm use and the local economic and farm community must be established by objective, factual evidence which focuses on not only what is produced, but how much and how it is marketed.

Your application should include an attachment which carefully shows how the farm operation meets these definitions. This information will be reviewed by not only local planners, but must also be forwarded to the Oregon Department of Land Conservation and Development (DLCD) in Salem for review and comment. DLCD has the power to appeal any local decision it concludes is inadequately supported. For this reason, planning staff recommends the following minimum factual information be included with the application:

- A list of current crops, the acreage devoted to each crop and the per acre yields for each crop;
- A list of kind and number of animals raised or bred on the farm;
- An income statement for the last year of farm operation (additional years may be helpful);
- A list of farm equipment, showing the year, model, value and use for each item;
- A list of farm structures, showing size, use and value for each structure;
- A description of planned changes or expansions in land holdings, crops, animals, farm equipment or structures, etc.;
- A description of the farm operator's farm background or experience;
- A description of marketing outlets and strategies for farm products;
- If commercial farm not established, indicate when you will begin farming.

3. **OCCUPANT ENGAGED IN THE FARM USE.** The occupant of the proposed dwelling must be someone who is principally engaged in the farm use (planting, harvesting, marketing or caring for livestock). Your application must include:

   - A written description of the occupant's role in the farm use, including the number of hours employed (note seasonal circumstances), the work to be performed, the special farm skills or trades provided by the occupant, and any other circumstances which show how the occupant will be needed to further the farm enterprise.

4. **NO OTHER DWELLING AVAILABLE.** A farm dwelling is allowed only when there is no other available dwelling on the same farm or ranch. The prohibition does not apply if the additional dwelling or dwellings are occupied by persons who work on the same farm or ranch. Please provide the following information:

   - There is no other dwelling on the farm or ranch.
There is another dwelling(s) on the farm. It is occupied by (describe occupant's relationship to the farm):

5. **ACTUAL INCOME EARNED FROM THE TRACT.** The parcel on which the dwelling is proposed is part of a "tract," which must meet one of the following wage and size tests. The DLCD has provided guidelines for applying this criteria. A "tract" of land is one or more contiguous parcels under the same ownership.

- On a tract not defined in Section 11.030(159) as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:
  - At least $40,000 (1994 dollars) in gross annual income from the sale of farm products; or
  - Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

- On a tract defined in Section 11.030(159) as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least $80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

6. **ALTERNATE INCOME DETERMINATION METHOD.** Noncontiguous lots or parcels zoned for farm use in Josephine County or in a contiguous county may be used to meet the gross income requirement.

**ACCESSORY FARM DWELLINGS**

Accessory farm dwellings may be allowed on an existing commercial farm enterprise in two ways. The first method allows one additional dwelling on the same lot or parcel as the farm operator, to be occupied by a relative of the farm operator or the farm operator's spouse, when the occupant will assist in the management of the farm. The second method is to show the additional dwelling or dwellings are customary for farm enterprises operating at the same level of intensity, and additional on-site help is reasonably necessary to maintain or expand the commercial farm use. Please provide the following information:

- The accessory dwelling will be required for a relative who will assist in the management of the farm. Attach a written statement explaining your relationship to the occupant of the farm help dwelling and how the occupant will assist in the farm operation.

- The accessory dwelling will be required for on-site farm help. Attach a written statement demonstrating why the additional help is necessary to maintain or expand the commercial farm use, and explain how it is customary in the area to provide such additional housing. Please provide the following information:

1. **HIGH VALUE SOILS.** If the parcel proposed for residential development is composed predominantly (51%) of high value farm soils, then different income requirements will apply. Oregon law defines "high value" farmland and the definition and requirements are found in number 7 on pages 4 & 5 above.
You will need to submit documentation specified in number 7, on pages 4 & 5 above.

2. **COMMERCIAL FARM USE EXISTS.** A commercial farm use must *presently exist* on the property, and this must be established by the information submitted with this application. If the commercial farm does not exist, the farm must be established before the building permits can be issued for the dwelling. In addition, the dwelling must be one that is customarily provided in conjunction with a commercial farm enterprise. State law provides two definitions to guide the "commercial farm use" evaluation:

**FARM USE:** the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or the feeding, breeding, management and sale of livestock (including dairy animals and products), poultry, fur-bearing animals, honeybees, or horticulture.

**COMMERCIAL:** a farm use which contributes in a substantial way to the local economy and helps maintain agricultural processors and established farm markets. The connection between the farm use and the local economic and farm community must be established by objective, factual evidence which focuses on not only what is produced, but how much and how it is marketed.

Your application should include an attachment which carefully shows how the farm operation meets these definitions. This information will be reviewed by not only local planners, but must also be forwarded to the Oregon Department of Land Conservation and Development (DLCD) in Salem for review and comment. DLCD has the power to appeal any local decision it concludes is inadequately supported. For this reason, planning staff recommends the following minimum factual information be included with the application:

___ A list of current crops, the acreage devoted to each crop and the per acre yields for each crop;

___ A list of kind and number of animals raised or bred on the farm;

___ An income statement for the last year of farm operation (additional years may be helpful);

___ A list of farm equipment, showing the year, model, value and use for each item;

___ A list of farm structures, showing size, use and value for each structure;

___ A description of planned changes or expansions in land holdings, crops, animals, farm equipment or structures, etc.;

___ A description of the farm operator's farm background or experience;

___ A description of marketing outlets and strategies for farm products;

___ If commercial farm not established, indicate when you will begin farming.

3. **OCCUPANT ENGAGED IN THE FARM USE.** The occupant of the proposed dwelling must be someone who is principally engaged in the farm use (planting, harvesting, marketing or caring for livestock). Your application must include:

___ A written description of the occupant's role in the farm use, including the number of hours employed (note seasonal circumstances), the work to be performed, the special farm skills or trades provided by
the occupant, and any other circumstances which show how the occupant will be needed to further the farm enterprise.

4. **NO OTHER DWELLING AVAILABLE.** An accessory farm dwelling is allowed when there is no other available dwelling on the same farm or ranch and the occupant of the dwelling is needed on the farm. Please provide the following information:

___ There is no other dwelling on the farm or ranch that is currently vacant or currently occupied by someone not working on the farm or ranch and could reasonably be used as an accessory farm dwelling.

___ There is another dwelling(s) on the farm. It is occupied by (describe occupant's relationship to the farm):

___ The accessory farm dwelling will be located on the same lot or parcel as the dwelling of the principal farm operator.

___ On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract. If the parcel is part of a tract, a Lot Line Adjustment application has been submitted with this application, together with a separate filing fee.

**NOTE:** *The Accessory Farm Dwelling cannot be approved until the Lot Line Adjustment is finalized.*

___ On a lot or parcel on which the principal farm dwelling is not located subject to the deed and other restrictions of OAR 660-330-130(24)(B)(iii).

5. **ACTUAL INCOME EARNED FROM THE TRACT.** The parcel on which the dwelling is proposed is part of a "tract," which must meet one of the following wage tests. The Department of Land Conservation & Development (DLCD) will provide guidelines for meeting this criteria. A "tract" of land is one or more contiguous parcels under the same ownership.

___ On a tract not defined in Section 11.030 as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

- At least $40,000 (1994 dollars) in gross annual income from the sale of farm products; or

- Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

___ On a tract defined in Section 11.030 as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least $80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.
OWNER OF
REMONSTRANCE
Regarding Farm Uses

Owner(s), ________________________________, own of certain real property located in
Josephine County, Oregon. The address for the property is ________________________________, and
the Assessor's legal description is T_____, R_____, Sec(s) _____ - _____, Tax Lot(s)________________._ A metes and
bounds description is attached as Exhibit A.

Owner(s) have applied for a dwelling on the property described above. This property is located within a Farm Zone. The Josephine
County Rural Land Development Code (RLDC) requires a written and recorded waiver of the right to remonstrate or oppose
agricultural uses within the Farm Zones. The RLDC states:

The Exclusive Farm [Farm Resource] Zone is intended to guarantee the right to conduct normal farm practices and to
facilitate and encourage resource management activity. Normal resource management practices shall not be
considered a nuisance condition in an Exclusive Farm Zone [Farm Resource]. Nothing in this regulation is intended to
interfere with normal resource management practices that might result in conditions such as noise, dust or odor.
Residents of this zone should recognize that the intent of the zone is to protect resource activities and that in the event of
a conflict between residential use and resource practices, this Code will be interpreted in favor of the resource practice.
[Article 64.010 RLDC]

Also, ORS 215.293 requires landowners who obtain an approval for a single-family dwelling within a farm or forest zone to sign and
record a document that prohibits the landowners and their successors 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 30.336 or 30.337 (actions for nuisance or
trespass are prohibited unless it results in damage to commercial agricultural products or death or serious physical injury). In
addition, Oregon Revised Statute (ORS) 215.293 prohibits pursuit of 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.

Based upon the foregoing requirements, owner(s) hereby acknowledge that their farm use of the subject property is subordinate to
present and future farming or forest practices. Further, owner(s) waive, on their behalf and on behalf of their successors in interest,
their right to legally remonstrate, oppose or appeal authorized farm and forest practices. Owner(s) acknowledge these practices may
involve the application of herbicides or fertilizers (including aerial or ground spraying), road construction, changes in view, noise,
dust, traffic and other impacts. This waiver, however, shall not prevent owners or their heirs, assigns or purchasers from expressing
personal views during land use of forest practices permit review proceedings regarding such operations.

Owners

Joeliphine County

Planning Director

STATE OF OREGON, County of Josephine) ss.

On this _______ day of ________, 20____, ______________________________, personally appeared before me, a Notary Public in and for the aforementioned state and county, and
executed the foregoing Waiver of Remonstrance Regarding Farm Uses, and acknowledged to me that it was freely and voluntarily
done.

NOTARY SEAL

Notary Public, State of Oregon

My commission expires: __________________________
## STATEMENT OF INTENDED WATER USE

| Name: ___________________________ | Date: ___________________________ |
| Address: ___________________________ | ___________________________ |
| Phone: ___________________________ | ___________________________ |

### LEGAL: T_____, R_____, Sec____-_____,

### Tax Lot ________________

### LAND USE PROPOSAL
- ☐ Development Permit
- ☐ Land Partition (# of Lots _____)
- ☐ Subdivision (# of Lots _____)
- ☐ Planned Unit Development

### Current Zoning: ___________________________

- Are new lots being created? ☐ Yes ☐ No
- Will any lots be less than 1 acre in size? ☐ Yes ☐ No

### DESCRIPTION OF WATER USE

**(Describe the Use)**

- ☐ How many residential units will use water (# of units, single or multi-family)? ______________

- ☐ Will water be used to irrigate (lawn, garden, shrubs, fields)? ______________
- Total # of Acres Irrigated per Development ___________________________

- ☐ Will water be used for livestock (kind, #)? ___________________________

- ☐ Will water be used for one of the following:
  - ☐ Commercial (office, retail, motel)
  - ☐ Institutional (school, church)
  - ☐ Other: ___________________________
  - ☐ Industrial (manufacturing, heavy repair)
  - ☐ Recreation (park, campground, pond)

If so, please describe the use in detail:

- ______________
- ______________
- ______________
- ______________
- ______________
- ______________
- ______________

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**JOSEPHINE COUNTY PLANNING DEPARTMENT**

700 NW Dimmick Street, Suite C, Grants Pass, OR 97526 (541) 474-5421
<table>
<thead>
<tr>
<th>SOURCE OF WATER</th>
<th>QUANTITY TO BE USED</th>
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<tr>
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<tr>
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<td>(Estimate)</td>
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<td>Gallons Per Day</td>
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<td>-</td>
<td>Cubic Feet Per Second</td>
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<td>-</td>
<td>Acre Feet</td>
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</table>

Remarks:

- - - **ATTACH MAP SHOWING LOCATION OF EXISTING AND PROPOSED WELLS** - - -

Signature of Applicant

-- **OFFICIAL USE ONLY** --

Water Right Required  ❑ Yes  ❑ No  
Water Hazard Overlay Zone?  ❑ Yes  ❑ No  Comment:

Other Remarks:

PUMP TEST REQUIRED?  ❑ Yes  ❑ No  ❑ Major  ❑ Minor  ❑ Other

Date: ________________, 20__  
Reviewed By

Revised 5/08