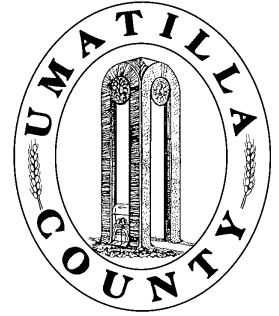


# Umatilla County

Department of Land Use Planning

216 SE 4<sup>th</sup> ST, Pendleton, OR 97801, (541) 278-6252



## Land Use Decision

Supplemental Application & Information Packet

*Note: Please complete the Land Use Request Application as well.*

### PROCESSING THE APPLICATION

The typical application process is approximately six to eight weeks long.

Most applications are processed through “administrative review.” Planning staff have 30 days to review the application for completeness; and once the application is deemed complete planning staff has an additional 20 working days to prepare a staff report.

The staff report is mailed out to the applicant (s), owner (s), all surrounding property owners, affected government agencies, and utility companies. Those notified are given 21 days in which to respond with questions, comments, recommended conditions, or to request a public hearing.

### PUBLIC HEARING

A public hearing is held if requested by a response to the mailed notice, or the request may be directed to a public hearing at the discretion of the planning director the hearing will be scheduled for the next available county planning commission meeting. There is a \$250.00 charge for requesting a public hearing.

### FEES

Pre-application Fee for a Resource Dwelling - \$100.00

Application Fees for any use not otherwise specified - \$500.00, plus the cost of notices.

- *Non-Farm Dwelling* - \$1,000.00, plus the cost of notices
- *Cell Tower* - \$2,500.00, plus the cost of notices.
- *Utility Facility Necessary* - \$2,500.00, plus the cost of notices

Cost of the notices will be invoiced afterwards and must be paid prior to final approval.  
(Effective July 6, 2011 via Ord. #2011-04)

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It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: July 7, 2011

File Location: H:\shared\Forms\_Master\Supplemental Packet - LUD.doc

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## Section 1: Primary Farm Dwelling – High Value Soils

Complete this section ONLY if the application being submitted is for a Farm Dwelling on High Value Soils or if applying for a Farm Dwelling on Non-High Value Soils and using the Income Test Threshold. Criteria taken from UCDC 152.059 (K) (I) (1).

“As used in this section, ‘farm use’ means 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, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267(1) (e) or 321.415(5). (ORS 215.203(2) (a))”

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1. Is the property **currently farmed** as described above?

- No, the property is not currently farmed.  
 Yes, if so please describe below (use a separate sheet if necessary):

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2. What is being produced on the farm to be sold? (i.e. hay, livestock, seed, etc.)

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3. What soil types are found on the property? If the soils are Class I or Class II then the Property is considered High Value (UCDC 152.003).

Soil Name and Unit Number	Slopes	Land Capability Class	
		Dry	Irrigated

*Soils information can be obtained from NRCS, (541) 278-8049*

4. Income Test: Provide documentation of the Gross Annual Income from the subject property of the sale of farm products from the last 2 years or in 3 of the last 5 years

Proof of Income is attached.

5. Are there any other dwellings on the subject property?

No other dwellings

Yes there are other dwellings

6. Will the dwelling be occupied by a person or persons who produce the commodities which grossed the farm income?

No they won't be part of the operation

Yes those that live in the dwelling will work on the farm.

7. If more than one parcel is being used to qualify for this land use request then an irrevocable "Convent, Conditions and Restrictions" document will be recorded (will be provided by the County). This document will restrict the properties that were used to qualify for this dwelling pursuant to UCDC 152.059 (K) (I) (1) (A).

I am willing to sign an irrevocable Covenants, Conditions and Restrictions document

I am NOT willing to sign an irrevocable Covenants, Conditions and Restrictions document.

8. Because this land use request deals with a dwelling a "Covenant Not to Sue" will be recorded (will be provided by the County). This agreement restricts the landowner from filing suit against adjacent property owners due to farming practices.

I am willing to sign a Covenant Not to Sue Agreement

I am NOT willing to sign a Covenant Not to Sue Agreement.

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## Section 2: Primary Farm Dwelling – Non-High Value Soils

Complete this section ONLY if the application being submitted is for a Farm Dwelling on NON-HIGH Value Soils.  
Taken from UCDC 152.059 (K) (I) (1).

“As used in this section, ‘farm use’ means 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, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267(1) (e) or 321.415(5). (ORS 215.203(2) (a))”

---

1. Is the property **currently farmed** as described above?

- No, the property is not currently farmed.  
 Yes, if so please describe (use a separate sheet if necessary):

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2. What is being produced on the farm to be sold? (i.e. hay, livestock, seed, etc.)

3. What soil types are found on the property? If the soils are Class III or higher then the Property is considered Non-High Value (UCDC 152.003).

Soil Name and Unit Number	Slopes	Land Capability Class	
		Dry	Irrigated

*Soils information can be obtained from NRCS, (541) 278-8049*

4. What size is the property?

\_\_\_\_\_ Acres

5. Are there any other dwellings on the subject property?

- No other dwellings  
 Yes there are other dwellings

6. Will the dwelling be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale?

- No they won't be part of the operation  
 Yes those that live in the dwelling will work on the farm.

7. Because this land use request deals with a dwelling a "Covenant Not to Sue" (provided by the County) will be recorded. This agreement restricts the landowner from filing suit against adjacent property owners due to farming practices.

- I am willing to sign a Covenant Not to Sue Agreement  
 I am NOT willing to sign a Covenant Not to Sue Agreement.

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### Section 3: Lot of Record Dwelling

Complete this section ONLY if applying for a Lot of Record Dwelling either on High Value OR Non-High Value soils.

Criteria taken from UCDC 152.059 (K) (II) (1 & 2)

The term “Tract” is used throughout the criteria language below. The definition of “Tract” as listed in UCDC 152.003 states – “One or more contiguous lots or parcels in the same ownership.” Thus, if there are more than one lot or parcel that is contiguous and under the same ownership it will be considered a “tract of land.”

- 
1. What soil types are found on the property? If the soils are Class I or Class II then the Property is considered High Value (UCDC 152.003).

Soil Name and Unit Number	Slopes	Land Capability Class	
		Dry	Irrigated

*Soils information can be obtained from NRCS, (541) 278-8049*

- 
2. Was the lot or parcel on which the dwelling will be established lawfully created, acquired and owned continuously by the present owner:
- a. Since prior to January 1, 1985; or
- b. By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985?
- Yes, if so please explain in detail. (Use separate sheet and provide Chain of Title to verify ownership)
- No

- 
3. Does the tract on which the dwelling will be sited include a dwelling?
- Yes, there is a dwelling on the tract
- No

- 
4. Was the lot or parcel on which the dwelling will be sited part of a tract on November 4, 1993? If so, no other dwelling may exist on another lot or parcel that was part of that tract.
- Yes, the Property was part of a tract and was subsequently divided off.
- No

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5. Does the proposed dwelling comply with the provisions of the Umatilla County Comprehensive Plan and land use regulations?	<input type="checkbox"/> Yes, if so please explain in detail. (Use separate sheet) <input type="checkbox"/> No
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6. Does the property lie within “critical winter range” as designated by the Comprehensive Plan?	<input type="checkbox"/> Yes, the Property is within Critical Winter Range. <input type="checkbox"/> No
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7. Is the property part of a tract? If so, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.	<input type="checkbox"/> Yes, there are contiguous parcels that are contiguous to this Property. <input type="checkbox"/> No
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8. Because this land use request deals with a dwelling a “Covenant Not to Sue” (provided by the County) will be recorded. This agreement restricts the landowner from filing suit against adjacent property owners due to farming practices.	<input type="checkbox"/> I am willing to sign a Covenant Not to Sue Agreement <input type="checkbox"/> I am NOT willing to sign a Covenant Not to Sue Agreement.
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**HIGH VALUE FARMLAND**

If the dwelling will be sited on a parcel that is predominately high value soils the following standards will also be applied and the application will be reviewed through a public hearing before the County Planning Commission.

*UCDC 152.059 (K) (II) (1) (G):*

To site a lot of record dwelling on high value farmland, the Planning Commission, or the designated Hearings Officer in the county, must determine that:

1. 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;
2. The Lot of Record Dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
3. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in the impact test § [152.059](#) (K) (h).

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## Section 4: Non-Farm Dwelling

Complete this section ONLY if applying for a Non-Farm Dwelling or if applying for Converting a Farm Dwelling to a Non-Farm Dwelling. Review UCDC 152.059 (K) (VI) or (VII) for greater details.

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1. What type of land use is found around the property? Provide a description:

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2. Will the dwelling or activities associated with the dwelling **force a significant change** in or significantly increase the cost to associated farming or forest practices on nearby lands devoted to farm or forest use?

Yes, if so, please explain in detail. (Use separate sheet)

No, if not, please explain in detail. (Use separate sheet)

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3. Is the dwelling situated upon a lot or parcel or 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?

Yes, if so, please explain in detail. (Use separate sheet)

No, if not, please explain in detail. (Use separate sheet)

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4. Will the dwelling **materially alter** the stability of the overall land use pattern of the area?

Yes, if so, please explain in detail. (Use separate sheet)

No, if not, please explain in detail. (Use separate sheet)

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5. Has the property been farmed?

Yes, the property has been farmed and/or grazed, if so, please describe.

No, the property has not been farmed or grazed

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6. Has the property been farmed in conjunction with other parcels?

Yes, the property has been farmed in conjunction with other parcels, if so; please describe which parcels and what was done.

No, the property has not been farmed or grazed

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7. Will the dwelling be sited on a lot or parcel **created before January 1, 1993?** If so, provide deed(s) to show that the parcel was created prior to January 1, 1993.

- Yes, the parcel was created before January 1, 1993, deed(s) attached.  
 No, the parcel was created after January 1, 1993, deed(s) attached.
- 

8. Is the parcel on **Farm Use Special Assessment?** If so, the parcel will be disqualified. Payment of these back taxes will be collected AFTER this application has been approved.

- Yes, if so, please contact the County Assessor's Office, 541-278-6227 to determine disqualification amount.  
 No, the parcel is not on Special Farm Assessment.
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9. Because this land use request deals with a dwelling a "Covenant Not to Sue" (provided by the County) will be recorded. This agreement restricts the landowner from filing suit against adjacent property owners due to farming practices.

- I am willing to sign a Covenant Not to Sue Agreement  
 I am NOT willing to sign a Covenant Not to Sue Agreement.
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## Section 5: Accessory Farm Dwelling

Complete this section ONLY if applying for an Accessory Farm Dwelling.  
Review UCDC 152.059 (K) (III) for greater details.

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1. When was the primary farm dwelling constructed on the property and how long has the farming operation been established?

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2. Describe the farming operation that the primary farm dwelling is part of and that the accessory farm dwelling would be associated with (i.e. size of operation, type of crops, etc.)

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3. Will the accessory farm dwelling be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, and is or will be required by the farm operator?

- Yes, those who will live in the accessory dwelling will be principally engaged in the farm use of the property.
- No, those who will live in the accessory dwelling will not be principally engaged in the farm use of the property.

4. The accessory farm dwelling will be located: (check one)

On the same lot or parcel as the primary farm dwelling; or

On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

On a lot or parcel on which the primary farm dwelling is not located, when the

On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when

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accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the Records Office and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or

farm worker housing is no longer required; or  
 On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under [ORS 215.780](#) and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(7).

- 
5. The primary farm dwelling to which the proposed dwelling would be accessory would be described as follows: (check one)

**ON NON-HIGH VALUE SOILS** On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in [ORS 215.203](#), and in the last two years, or three out of the last five years the lower of the following:

At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

**ON HIGH VALUE SOILS** On land identified as high-value farm land, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in [ORS 215.203](#), and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

**ON A DAIRY FARM** It is located on a commercial dairy farm as defined by OAR 660-033-0135 (11); and

The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.230; and a Producer License for the sale of dairy products under ORS 621.072.

- 
6. Because this land use request deals with a dwelling a “Covenant Not to Sue” (provided by the County) will be recorded. This agreement restricts the landowner from filing suit against adjacent property owners due to farming practices.

I am willing to sign a Covenant Not to Sue Agreement  
 I am NOT willing to sign a Covenant Not to Sue Agreement.

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7. Is there any other dwelling(s) on the farm operation that could be used as an accessory farm dwelling?

No, there is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling.

Yes, there is a dwelling on the farm operation that could be used as an accessory farm dwelling.

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NOTE: An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non farm dwelling.

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## Section 6: Farm Relative Dwelling

Complete this section ONLY if applying for a Farm Relative Dwelling.  
Review UCDC 152.059 (K) (IV) for greater details.

Note: A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

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1. When was the primary farm dwelling constructed on the property and how long has the farming operation been established?

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2. Describe the farming operation that the primary farm dwelling is part of and that the farm relative dwelling would be associated with (i.e. size of operation, type of crops, etc.)

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3. Will the farm relative dwelling be located on the same parcel as the primary farm dwelling where the farm operator lives?

Yes, the farm relative dwelling will be placed on the same parcel.  
 No, the farm relative dwelling will be placed on a different parcel.

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4. What is the relationship between the person(s) who will live in the farm relative dwelling and the farm operator or the farm operator's spouse?

<input type="checkbox"/> Grandparent	<input type="checkbox"/> Step-grandparent
<input type="checkbox"/> Grandchild	<input type="checkbox"/> Stepsibling
<input type="checkbox"/> Parent	<input type="checkbox"/> Niece
<input type="checkbox"/> Child	<input type="checkbox"/> Nephew
<input type="checkbox"/> Sibling	<input type="checkbox"/> First Cousin
<input type="checkbox"/> Stepparent	
	<input type="checkbox"/> We are not related.

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5. Will the farm operator continue to play the predominant role in the management and farm use of the operation?

Yes, the farm operator will continue to be the predominate manager of the farm.  
 No, the farm operator will decrease his/her role as the farm manager or will not be working at all.

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6. How is the assistance of the relative in the management of the farm use of the existing commercial farming operation required by the farm operator? Please describe the job duties:

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7. Will the farm operator continue to play the predominant role in the management and farm use of the operation?

- Yes, the farm operator will continue to be the predominate manager of the farm.
- No, the farm operator will decrease his/her role as the farm manager or will not be working at all.

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8. Because this land use request deals with a dwelling a "Covenant Not to Sue" (provided by the County) will be recorded. This agreement restricts the landowner from filing suit against adjacent property owners due to farming practices.

- I am willing to sign a Covenant Not to Sue Agreement
- I am NOT willing to sign a Covenant Not to Sue Agreement.
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## Section 7: Large Tract Dwelling – Grazing/Farm Zone

Complete this section ONLY if applying for a Large Tract Dwelling for property within the GF Zone.  
Review UCDC 152.084 (B) (1) for greater details.

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1. A Large Tract dwelling can be located on either of these two options. Check the one that applies and provide the Map Number for each parcel involved:

240 acres of contiguous property, list all parcels involved:

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

320 acres of non-contiguous property, list all parcels involved:

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, TL \_\_\_\_\_

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2. Is the property within the Critical Winter Range (CWR) Overlay Zone?

No, the property is not within the CWR Overlay Zone.

Yes, the property is within the CWR Overlay Zone, UCDC 152.458 will apply.

### UCDC 152.458 *Dwelling Unit Density*

(A) Dwelling units shall be limited to a maximum density of three dwellings within a radius of one half mile of any proposed dwelling. All requests for dwellings or land divisions that will result in eventual placement of a dwelling, or administrative review of non-resource dwellings, shall be referred to the Oregon Department of Fish and Wildlife (ODFW) for review and recommendation.

(B) Dwellings shall be sited to minimize impact on critical winter range by application of the following:

- (1) When dwellings exist on adjacent properties:

(a) New dwellings shall be located adjacent to existing dwellings sharing a common access road;

(b) Where subdivision (1) (a) of this division is not practical, new dwellings shall be located adjacent to existing dwellings and minimize the length of access from the nearest existing public road;

(c) Where subdivisions (1) (a) and (1) (b) of this division are not practical, the new dwellings shall be sited to achieve maximum distance between dwellings and minimize the length of access from the nearest public road.

- (2) When no dwellings exist on adjacent properties, new dwellings shall be sited to allow future development to satisfy subdivision (1) (a) of this division.
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3. In all cases, the Fire Siting Standards found in UCDC 152.084 (B) (3) will apply to the dwelling as shown below:

*Fire siting design and other structure siting criteria.* The following criteria shall apply to new dwellings listed in division (B)(1) and (B)(2) above and division (B)(4) below:

(a) Dwellings and accessory structures shall be sited on the parcel so that:

- (1) They have the least impact on adjoining forest or agricultural lands;
- (2) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (3) The amount of forest lands used to site access roads, service corridors, the dwelling and accessory structures is minimized; and
- (4) The risks associated with wildfire are minimized.

(b) Siting criteria satisfying division (B)(3)(a) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(c) Applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of groundwater or surface water and not from a Class II stream as defined in the Forest Practices Rules (O.A.R. Chapter 629). For the purposes of this division, evidence of a domestic water supply means:

- (1) Verification from a water purveyor (e.g. Water Resources Department irrigation district, etc.) that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- (2) A water use permit issued by the Water Resources Department of the use described in the application; or
- (3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(d) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant agree to accept responsibility of road maintenance.

(e) The owner of the tract shall be required to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry rules. The Planning Department shall notify the county assessor of this condition at the time the dwelling is approved.

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(f) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. Additional taxes may be imposed if minimum stocking requirements are not met.

(g) The dwelling must meet the following fire siting and fire safety design standards:

- (1) Shall have a fire retardant roof;
- (2) Will not be sited on a slope greater than 40%;
- (3) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester;
- (4) Dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract;
- (5) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district;
- (6) If the county determines that meeting the requirement of division (B)(3)(g)4. above is impractical, the county may provide an alternative means for protecting the dwelling from fire hazards. Such means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the conditions. If a water supply is required under this division, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second.
- (7) Owner(s) provide and maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures" dated March 1, 1991 published by the Oregon Department of Forestry.
- (8) Road access shall be provided to within 15 feet of the water's edge for fire-fighting equipment and pumping units.
- (9) Road access shall accommodate the turnaround of firefighting equipment during the fire season.
- (10) Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (11) Road design standards shall meet the appropriate rural fire protection district and forest protection district standards for private roads and bridges, except for private roads and bridges accessing only commercial forest uses. If no such standards exist, the county shall, on a site by site basis, consult with the appropriate fire or forest protection district to determine mutually agreed upon road and access standards considering maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions.