



## Lot-of-Record Dwelling – Farm

A Lot-of-Record Dwelling may be permitted in the Exclusive Farm Use (EFU) zone, subject to the applicable standards from Sections 3.04(V) and 3.08 of the Hood River County Zoning Ordinance.

For a complete application, explain how your proposal complies with all of the following applicable criteria:

### Farm Lot-of-Record Dwelling Criteria:

1. A dwelling may be approved on a pre-existing lot or parcel if:
  - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (5):
    - i. Since prior to January 1, 1985; or
    - ii. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
  - b. The tract on which the dwelling will be sited does not include a dwelling; (*Section 1.170 defines 'tract' as all contiguous property in the same ownership.*);
  - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
  - d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
  - e. The lot or parcel on which the dwelling will be sited is not high-value farmland, except as provided in Subsections (3) and (4); and
  - f. When the lot or parcel on which the dwelling will be sited lies within an area designated in the Comprehensive Plan as habitat of big game, 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.
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
3. Notwithstanding the requirements of Subsection (1)(e) above, a single-family dwelling may be sited on high-value farmland if it meets the requirements below or in the subsequent Subsection (4):

- a. It meets the other requirements of Subsections (1) and (2);
  - b. The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);
  - c. The planning director or hearings officer of a county determines that 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.
    - i. 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 demonstrates that a lot of parcel cannot be practicably managed for farm use.
    - ii. 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.
    - iii. 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.
  - d. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 3.09.A.3 of the County Zoning Ordinance.
4. Notwithstanding the requirements of Subsection (1)(e) above, a single-family dwelling may be sited on high-value farmland if it meets the requirements below or in the preceding Subsection (3) above:
- a. It meets the other requirements of Subsections (1) and (2);
  - b. The tract on which the dwelling will be sited is:
    - i. Not high-value farmland; and
    - ii. Twenty-one acres or less in size; and

- c. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21-acres, and at least two such tracts had dwellings on January 1, 1993; or
  - d. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21-acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
  - e. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21-acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
    - i. “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
    - ii. “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
5. For purposes of Subsection (1), “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;
6. The County Department of Records and Assessment shall be notified that the governing body intends to allow the dwelling.
7. An approved single-family dwelling under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision. (*Please Note: transfer from the applicant may occur to only one subsequent party. The approval becomes null and void upon additional transfers.*)

8. The county shall provide notice of all applications for lot of record dwellings on high-value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the decision.
9. The dwelling will be consistent with density limitations that protect Goal 5 – big game wildlife habitat.
10. The dwelling is subject to Section 3.15, and Article 50 – Buffer Requirements including a deed notification, and with other applicable requirements of the Comprehensive Plan.

**Other EFU Criteria:**

1. Section 3.04(V) of the County Zoning Ordinance requires that as a condition of an approved single family dwelling in the Exclusive Farm Use zone, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them 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 30.936 or 30.937.

# ADMINISTRATIVE LAND USE APPLICATION



## HOOD RIVER COUNTY COMMUNITY DEVELOPMENT

601 State Street  
Hood River, OR 97031  
PHONE 541-387-6840  
FAX 541-387-6873  
plan.dept@co.hood-river.or.us

PLANNING
File No.:
Date received:
Date issued:
Application Review Fee \$

### TYPE OF LAND USE PERMIT:

#### Dwellings:

- Farm Operator Dwelling  
    \_\_Income \_\_Acreage
- Relative Farm Dwelling
- Accessory Farm Dwelling
- Farm Lot of Record
- Forest Template Dwelling
- Forest Large Tract Dwelling
- Forest Lot of Record

#### Conditional Use:

- Non- Farm Dwelling
- Dependent Relative Dwelling
- Home Occupation
- Bed and Breakfast

#### Other:

- Variance
- Subdivision

- Plan and Zone Change
- Planned Unit Development
- Zone Boundary Adjustment
- Comprehensive Plan Amendment

\_\_\_\_\_

\_\_\_\_\_

### SITE INFORMATION:

Township:	Range:	Section:	Tax Lot:	Parcel size: _____ ac.	Zoning: _____
-----------	--------	----------	----------	------------------------	---------------

Site Address: \_\_\_\_\_ City: \_\_\_\_\_

Description of Proposed Development or Use: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### APPLICATION CHECKLIST:

Unless otherwise noted, the following information is required as part of a complete application:

Completed application form _____	Project description _____
Applicant's & ALL property owners' signatures _____	Applicable criteria form / questionnaire _____
Site Plan - per attached example _____	Supporting documents (farm income, etc.) _____
Filing fee _____	

**Only applications with the required information can be processed.** Obtain a copy of the criteria and the questionnaire for your application type. The pertinent Hood River County Zoning Ordinance sections may be obtained from Hood River County Community Development or on-line through the county website at [www.co.hood-river.or.us](http://www.co.hood-river.or.us)

Pursuant to Oregon Revised Statutes Chapter 215, Section 427, this department has 30 days to review the application for completeness and notify the applicant of any deficiencies.

### SIGNATURES: All Owners must sign (Corporate or LLC owned parcels require authorized signatures)

Owner Name: _____ Signature req'd _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-mail: _____	Owner Name: _____ Signature req'd _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-mail: _____
Applicant if other than owner: _____ Signature req'd _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-mail: _____	<p><i>By signing, I acknowledge that the information provided in this application is accurate to the best of my knowledge. Signature of the property owner(s) indicates that the property owners(s) is/are aware that an application is being made on the subject property. Signature of the property owner(s) also authorizes the County planning staff reasonable access to the site in order to evaluate the application.</i></p>

## **SITE PLAN:**

---

A site plan, drawn **TO SCALE** in black ink at a maximum scale of 1 inch = 100 feet, must be included with your submitted application. Please do not use highlighter, colors, or photographs/aerial photos since they are not easily reproducible. Site plans should be drawn on paper **NO LARGER THAN 11"x17"**.

If the parcel is large, planning staff suggests that you submit a detail site plan that shows only the portions of the parcel affected by the proposed development, together with a vicinity plan showing the overall site. If this option is pursued, please show at least two property lines and enough of the parcel or some adjacent features, such as roads, so that the planner and other viewers can locate the proposed development on the vicinity map.

Much of the required information may be obtained from the Hood River County webmap at [www.co.hood-river.or.us](http://www.co.hood-river.or.us) - under "County Maps"

---

## **MINIMUM SITE PLAN INFORMATION REQUIREMENTS:**

**Please Note:** Although most site plans can be drawn by the person making application, you may wish to hire a professional to prepare your site plan if your proposal is complex or the site is challenging. Site plans allow the planner and other interested parties to clearly understand the nature of the proposal and its relationship to the parcel, as well as surrounding parcels of land. Submitted site plans are considered legally binding documents. It is the responsibility of the applicant to know and accurately identify the subject parcel's property lines, as well as the location of any easements or rights-of-way.

- ⇒ Property Information - address and map and tax lot.
- ⇒ Property owner and applicant name.
- ⇒ Scale and north arrow.
- ⇒ Boundaries of parcel with dimensions.
- ⇒ Location, labeling, and size of existing and proposed buildings and structures.
- ⇒ Setback distance of proposed buildings and structures from property lines, roads, other structures, streams, ponds, & wetlands.
- ⇒ Location and width of access roads, driveways, turnouts, turnarounds, and parking areas.
- ⇒ Location of utility services, *including approved septic drainfields, and replacement field*.
- ⇒ All easements (access, utility, irrigation, etc.).
- ⇒ Significant slope or terrain features.
- ⇒ Vegetation type.
- ⇒ Portion of property in farm or forest use.
- ⇒ Vicinity map (if needed to augment your site plan).

---

**Site plans not drawn to scale or failing to include the required information will not be accepted. See the sample site plan provided.**

**Using a piece of graph paper, such as that included within this application form, may be the simplest way to draw your plan to scale!**

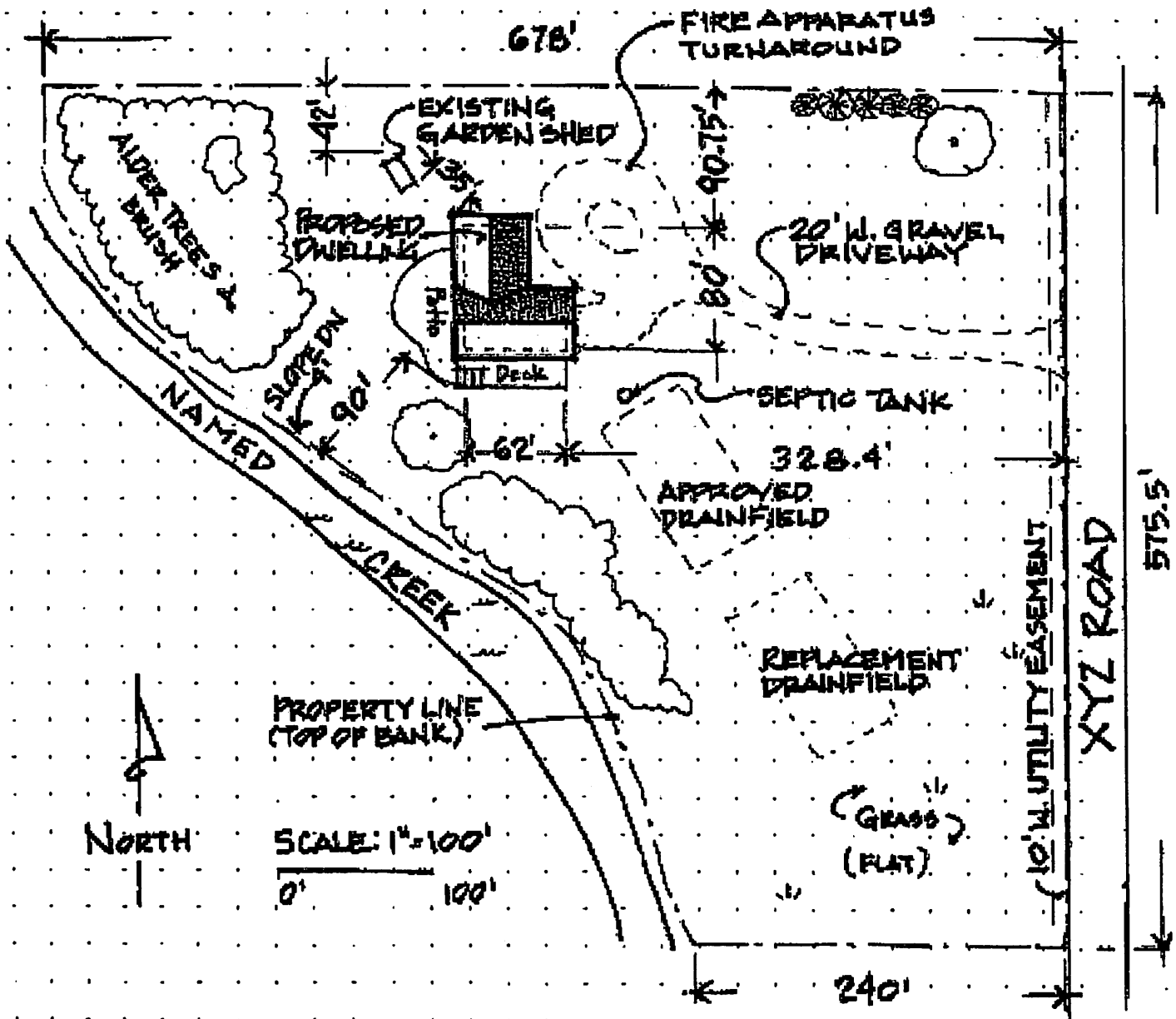
# SITE PLAN EXAMPLE

Applicant: Joe and Jane Homeowner

Owner: Joe and Jane Homeowner

Property Address: 123 XYZ Road

Twn 3N Rng 8E Sec 10 TxLt 2010



**Does your site plan show the following?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Property Information.                            | <input checked="" type="checkbox"/> Location of utilities, septic drainfields.          |
| <input checked="" type="checkbox"/> Scale and north arrow.                           | <input checked="" type="checkbox"/> All easements (access, utility, irrigation, etc.).  |
| <input checked="" type="checkbox"/> Boundaries of parcel with dimensions.            | <input checked="" type="checkbox"/> Significant slope or terrain features.              |
| <input checked="" type="checkbox"/> Existing and proposed structures.                | <input checked="" type="checkbox"/> Vegetation type.                                    |
| <input checked="" type="checkbox"/> Setback distances of proposed buildings.         | <input checked="" type="checkbox"/> Portion of property in farm or forest use.          |
| <input checked="" type="checkbox"/> Access roads, driveways, turnarounds, & parking. | <input checked="" type="checkbox"/> Vicinity map (if needed to augment your site plan). |

# SITE PLAN

---

Applicant: \_\_\_\_\_ Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_ Twn \_\_\_\_\_ Rng \_\_\_\_\_ Sec \_\_\_\_\_ TxLt \_\_\_\_\_

**Does your site plan show the following?**

- Property Information.
- Scale and north arrow.
- Boundaries of parcel with dimensions.
- Existing and proposed structures.
- Setback distances of proposed buildings.
- Access roads, driveways, turnarounds, & parking.
- Location of utilities, septic drainfields.
- All easements (access, utility, irrigation, etc.).
- Significant slope or terrain features.
- Vegetation type.
- Portion of property in farm or forest use.
- Vicinity map (if needed to augment your site plan).