

JACKSON COUNTY, OREGON

TYPE 2 APPLICATION Forest Resource Zone Homesites with Wildlife Overlay

(Please print in black ink, or type all information except where a signature is required)

OFFICE USE ONLY	
File N ^o	_____
Fee Pd	_____
Receipt N ^o	_____
App. Type:	_____
App. Received by	_____
Date Received	_____
Zoning Confirmed by Staff:	_____

Legal description of subject property:

Township____ Range____ Section____ Tax Lot____ Acreage_____

Township____ Range____ Section____ Tax Lot____ Acreage_____

Street Address of the Property: _____

What is the Zoning of the Subject Property? _____

Is the purpose of this application to complete a Measure 49 Approval? YES NO

NOTE: Applications for review and approval of all development proposals may be initiated by the property owner, purchaser under a recorded land sale contract, condemner who has been granted immediate possession by a court of competent jurisdiction, agent duly authorized in writing, or a public agency.

PROPERTY OWNER:

At Time Application is Submitted

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

AGENT:

If Other than Applicant

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

APPLICANT:

If Other than Property Owner

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

OTHER:

Specify: _____

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

IF AN AGENT, APPLICANT, OR "OTHER" IS ACTING ON BEHALF OF THE OWNER OR PURCHASER, A SIGNED STATEMENT OF OWNER AUTHORIZATION MUST BE SUBMITTED WITH THIS APPLICATION. THIS APPLICATION MUST BE ACCOMPANIED BY AN ACCURATE PLOT PLAN (MAP). SEE USER'S GUIDE FOR ASSISTANCE. THE BURDEN OF PROOF FOR APPROVAL OF AN APPLICATION RESTS WITH THE APPLICANT. YOU MUST PROVIDE DOCUMENTATION REGARDING THE PROPERTY AND APPLICATION CRITERIA IN SUFFICIENT DETAIL AND ACCURACY TO ENABLE THE DEPARTMENT TO FIND THAT YOUR APPLICATION COMPLIES WITH ALL APPLICABLE APPROVAL CRITERIA.

On the following pages, describe how your application complies with the criteria identified as applicable below:

Public Utilities: Tax lot(s) _____ is served by:

<input type="checkbox"/> an on site septic system	<input type="checkbox"/> public sewer (RVSS)	<input type="checkbox"/> community sewer
<input type="checkbox"/> an on site well	<input type="checkbox"/> municipal water	<input type="checkbox"/> community water
<input type="checkbox"/> phone service	<input type="checkbox"/> electric service	<input type="checkbox"/> other utilities (e.g., gas)
<input type="checkbox"/> _____ Irrigation District serves the property.		

Please list any easements for access or utilities that benefit or cross the property (attach copies of all applicable easements to your application) _____.

PLEASE NOTE: All easements must be identified on plot plans and land division plans submitted for zoning permit review.

APPLICANT SUPPORTING INFORMATION

Describe your proposal: _____

Please describe the existing uses on adjacent properties (livestock, orchard, or residential, etc.):

North: _____

East: _____

South: _____

West: _____

Type 2 Applications Within Forest Resource Zones (FR, WR, OSR) (LDO Sections 4.2.3, 4.3.4)
Dwellings and structures must also comply with the siting standards of LDO Section 4.3.12.)

- A) Because the subject property is within a forest resource zone, explain why the proposal will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

Note: Additional information may be submitted on 8½ x 11 inch white paper.

ANSWER: _____

B) Because the subject property is within a forest resource zone, explain why the proposal will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

ANSWER: _____

C) Because the subject property is within a forest resource zone, explain why the proposal will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. Further, it must be demonstrated that the use will comply with the fire safety requirements of Section 8.7.

ANSWER: _____

Alteration, Restoration or Replacement of a Lawfully Established Dwelling [ORS 215.755(1); OAR 660-006-0025(3)(p)]

A) If the location of the replacement dwelling will be **more than 100 feet** from the dwelling to be replaced, the replacement dwelling will be subject to the standards in LDO Section 4.3.12 under a Type 2 review.

ANSWER: _____

B) The lawfully established dwelling to be altered, restored, or replaced shall have:

- 1) Intact, exterior walls and roof structure;

Note: Additional information may be submitted on 8½ x 11 inch white paper.

- 2) Indoor plumbing including a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- 3) Interior wiring for interior lights; and,
- 4) A heating system.

ANSWER: _____

- C) If the dwelling is being replaced, the original dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

ANSWER: _____

- D) The dwelling being replaced shall not have been established as a temporary medical hardship dwelling. However, at such time as the permit for the temporary medical hardship dwelling expires, the temporary dwelling may replace the permanent dwelling provided the permanent dwelling is removed, demolished or converted to an allowable use pursuant to the regulations stated above.

ANSWER: _____

Forest Template Dwelling [ORS 215.750(1) and (3)-(6); OAR 660-006-0027(1)(f), (h) -(i), and (2)-(5)] A forest template dwelling may be allowed if it complies with all of the following requirements. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under this Section.

- A) The tract on which the dwelling will be sited does not include a dwelling;

ANSWER: _____

- B) The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:

- 1) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber and all or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels;
- 2) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber and all or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels; or,

Note: Additional information may be submitted on 8½ x 11 inch white paper.

- 3) Capable of producing more than 85 cubic feet per acre per year of wood fiber and all or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

ANSWER: Based on information in the NRCS Soil Survey for Jackson County, the soils on the parcel are predominantly capable of producing ___ cubic feet per acre per year of wood fiber. Consequently, there must be ___ lots and three dwellings that existed prior to 1993 within the 160-acre square. Parcels and dwellings within an urban growth boundary were not counted to satisfy the above eligibility requirements. The lots and dwellings include:

Legal Description	Creation Date or Instrument	Existing Dwelling ?	Construction Date

- C) If the tract on which the dwelling will be sited abuts a road that existed on January 1, 1993, the measurement required by subsection B) above may be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible, aligned with the road;

ANSWER: _____

- D) If the tract on which the dwelling will be sited is 60 acres or larger and abuts a road or perennial stream, the measurement required by subsection (B) above shall be made by using a rectangle in accordance with subsection C) above. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

- 1) Be located within the 160-acre rectangle; or
- 2) Be within one-quarter (1/4) mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

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ANSWER: _____

E) If a road crosses the tract on which the dwelling will be sited, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling;

ANSWER: _____

F) The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and

ANSWER: _____

G) No dwellings will be allowed on other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the lots or parcels that make up the tract or to use the tract to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forest lands shall be recorded with the deed for each lot and parcel.

ANSWER: _____

Large Tract Forest Dwelling [ORS 215.740; OAR 660-006-0027(1)(e)(B) & (4)-(6)] A large tract forest dwelling may be allowed, if it complies with the following:

- A) The dwelling will be sited on a tract:
 - 1) Of at least 160 contiguous acres; or
 - 2) That is part of at least 200 noncontiguous acres comprised of two or more tracts in one ownership that are located in Jackson County or adjacent counties and are zoned for forest use.

A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

ANSWER: _____

B) The tract on which the dwelling will be sited does not currently include a dwelling;

ANSWER: _____

Note: Additional information may be submitted on 8½ x 11 inch white paper.

- C) The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and

ANSWER: _____

- D) No dwellings will be allowed on other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the lots or parcels that make up the tract or to use the tract to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forest lands shall be recorded with the deed for each lot and parcel.

ANSWER: _____

Ownership of Record Dwelling [ORS 215.705(1), (5)-(7); 215.720 (1)(a) and (2); OAR 660-006-0027 (1)(a)-(d), (4) & (5)] A dwelling may be approved 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 (B) below:

- 1) Since prior to January 1, 1985; or
- 2) 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;

ANSWER: _____

- B) For purposes of this subsection, "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 combination of these family members;

ANSWER: _____

- C) The tract on which the dwelling will be sited does not include a dwelling;

ANSWER: _____

- D) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling currently exists on another lot or parcel that was part of that tract;

ANSWER: _____

Note: Additional information may be submitted on 8½ x 11 inch white paper.

- E) The tract on which the dwelling will be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

ANSWER: _____

- F) The tract on which the dwelling will be sited is located within 1,500 feet of a maintained public road that is either paved or surfaced with rock. The road shall not be a U.S. Bureau of Land Management (BLM) or U.S. Forest Service (USFS) road, except as provided in OAR 660-006-0027;

ANSWER: _____

- G) When the lot or parcel on which the dwelling will be sited lies within a designated deer and elk habitat area, the siting of the dwelling shall be consistent with the limitations on density in LDO Section 7.1.1(C);

ANSWER: _____

- H) The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law;

ANSWER: _____

- I) When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel. Consolidation prior to the issuance of a building permit shall be a condition of approval.

ANSWER: _____

- J) No dwellings will be allowed on the remaining portion of the tract that is consolidated into a single lot or parcel. Irrevocable deed restrictions, precluding all future rights to construct a dwelling on the consolidated remainder lot or parcel or to use the remainder lot or parcel to total acreage for future siting of dwellings for present and any future owners, unless the tract is no longer subject to protection under the goals for agricultural lands or forest land, shall be recorded with the deed for each lot and parcel; and

ANSWER: _____

- K) If a dwelling is approved pursuant to the requirements of this Section, the application 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.

ANSWER: _____

Note: Additional information may be submitted on 8½ x 11 inch white paper.

Siting Standards For Dwellings and Structures [LDO Section 4.3.12, OAR 660-006-0029; 0035; and 0040; ORS 215.730] The following siting standards shall apply to all new dwellings and structures, except accessory structures within 100 feet of the principal dwelling, and replacement dwellings that will be within 100 feet of the existing dwelling. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

- A) Dwellings and structures shall be sited on the parcel so that:
 - 1) They have the least impact on nearby or adjoining forest or agricultural lands;
 - 2) 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, dwellings and structures is minimized; and,
 - 4) The risks associated with wildfire are minimized.

ANSWER (How will the building site comply with the above criteria?): _____

- B) Conditions of approval satisfying this Section 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.

ANSWER (How will the building site comply with the above criteria?): _____

- C) A dwelling shall not be sited on a slope of greater than 40 percent.

ANSWER: _____

- D) Dwellings and structures shall meet the fire safety requirements and guidelines outlined in LDO Chapter 8.

ANSWER: _____

- E) If the permit is approved, the applicant must provide evidence of a domestic water supply. Authorization to appropriate groundwater for domestic use will be in accordance with Oregon Water Resources Department regulatory statutes (ORS 537.515 and 537.525) which allows

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the use of 15,000 gallons per day for domestic use and the watering of any lawn and/or non-commercial garden totaling one-half acre or less in area. A proposed use of water from a surface water source: stream, creek, river or lake must be evidenced by documentation of a right granted by the Oregon Water Resources department (ORS 537.130). If the domestic water supply is not provided by a public facility or taken from a well on the property or from a spring that meets the Oregon Water Resources Department definition of a water use exempt from the requirement for a water right (ORS 537.800), then the applicant must provide evidence of legal authorization to place domestic water lines across properties of affected owners. For the purposes of this subsection, evidence of a domestic water supply means:

- 1) A surface water right granted by the Oregon Water Resources department for the use described in the application; or
- 2) If the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, the applicant shall submit a copy of the Water Well Report that describes the construction of the well.
- 3) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water.

ANSWER: _____

- F) As a condition of approval, if the 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 to agree to accept responsibility for road maintenance.

ANSWER: _____

- G) If the lot or parcel is more than 10 acres, a condition of approval for a dwelling will require the following:

- 1) The owner of the tract shall 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 Department of Forestry administrative rules. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
- 2) The property owner shall submit a Stocking Survey Report to the County Assessor. The Assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a Stocking Survey Report or where the survey report indicates that minimum stocking requirements have not been met.

Note: Additional information may be submitted on 8½ x 11 inch white paper.

- 3) Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, they will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

ANSWER: _____

- H) As a condition of approval for a dwelling, the following declaration shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this deed declaration, or the acceptance and recording of this instrument, that the property herein described is situated on or near farm and or forest land, and as such may be subject to common, customary, and accepted agricultural and forest practices, which ordinarily and necessarily may produce noise, dust, smoke, and other types of visual, odor, and noise pollution. This deed declaration binds the land owner and the land owner'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. Jackson County shall be a party to this declaration which cannot be removed or modified without written consent of the County."

ANSWER: _____

ADDITIONAL CRITERIA

List any additional Criteria, specific to type of use. (Attach extra pages as needed)

Additional criteria findings attached (list): _____

No additional criteria are applicable to this application.

THIS APPLICATION WILL NOT BE OFFICIALLY ACCEPTED UNTIL DEPARTMENT STAFF DETERMINES THE APPLICATION HAS BEEN COMPLETELY FILLED OUT, ALL APPLICABLE CRITERIA HAVE BEEN ADDRESSED, THE PLOT PLAN MAP IS CONSISTENT WITH THE REQUIREMENTS LISTED IN THE USER'S GUIDE, AND ALL FEES ARE PAID. THE DEPARTMENT WILL ADVISE IN WRITING IF THE APPLICATION AND/OR MAP IS UNACCEPTABLE.

Note: Additional information may be submitted on 8½ x 11 inch white paper.

THIS APPLICATION IS HEREBY SUBMITTED AND THE STATEMENTS AND INFORMATION HEREIN CONTAINED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT(S):

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

AGENT:

OWNER or CONTRACT PURCHASER:

Print Name: _____

(See Attached Form)

Signature: _____

Date: _____

Note: Additional information may be submitted on 8½ x 11 inch white paper.