



For Office Use Only

Record No. 217-_____-_____-PLNG

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**Crook County Community Development
Planning Division**

300 NE 3rd Street, Room 12, Prineville Oregon 97754

541-447-3211

plan@co.crook.or.us

www.co.crook.or.us

Conditional Use Application – Non-Farm Dwelling

In Conjunction with Non-Farm Partition

* Soil Survey must be completed prior to submittal

PROPERTY OWNER

Last Name: _____ First Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Day-time phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

AGENT/REPRESENTATIVE

Last Name: _____ First Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Day-time phone: (_____) _____ - _____ Cell phone: (_____) _____ - _____

Email: _____

ENGINEER AND/OR SURVEYOR

Last Name: _____ First Name: _____

Company Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Day-time phone: (_____) _____ - _____ Cell phone: (_____) _____ - _____

Email: _____

PROPERTY LOCATION

Township _____ South, Range _____ East WM, Section _____, Tax lot _____
Township _____ South, Range _____ East WM, Section _____, Tax lot _____
Size of property: _____ acres Zoning: _____
Physical address: _____

PROPOSED LAND PARTITION

Total acreage of existing parcel: _____
Proposed parcel 1: acreage: _____ _____ Existing Dwelling _____ Proposed Dwelling
Proposed parcel 2: acreage: _____ _____ Existing Dwelling _____ Proposed Dwelling
Proposed parcel 3: acreage: _____ _____ Existing Dwelling _____ Proposed Dwelling

RESIDENCE/ACCESSORY STRUCTURE INFORMATION

Proposed Parcel #1:

_____ Farm Dwelling _____ Non-Farm Dwelling
Site built _____ Manufactured _____ (check one)
 *If a manufactured dwelling: Year and Model _____
Square footage of proposed structure: _____ Height of structure: _____ feet
On Site Evaluation/Authorization: _____
Existing well _____ Proposed Individual well, spring or cistern _____
Road Access Permit: Yes _____ No _____ MF #Recorded: _____
Proposed Access: State _____ County _____ Public _____ Private Easement _____
Accessory Structure(s) _____ Existing _____ Proposed
Square Footage _____ Use _____
Is this an addition to an existing accessory structure: Yes _____ No _____
 Existing structure size: _____ sq. ft. No. of stories _____
Square Footage _____ Use _____
Is this an addition to an existing accessory structure: Yes _____ No _____
 Existing structure size: _____ sq. ft. No. of stories _____

Proposed Parcel #2:

___ Farm Dwelling ___ Non-Farm Dwelling

Site built _____ Manufactured _____ (check one)

*If a manufactured dwelling: Year and Model _____

Square footage of proposed structure: _____ Height of structure: _____ feet

On Site Evaluation/Authorization: _____

Existing well _____ Proposed Individual well, spring or cistern _____

Road Access Permit: Yes ___ No ___ MF #Recorded: _____

Proposed Access: State ___ County ___ Public ___ Private Easement ___

Accessory Structure(s) ___ Existing ___ Proposed

Square Footage _____ Use _____

Is this an addition to an existing accessory structure: Yes ___ No ___

Existing structure size: _____ sq. ft. No. of stories _____

Square Footage _____ Use _____

Is this an addition to an existing accessory structure: Yes ___ No ___

Existing structure size: _____ sq. ft. No. of stories _____

Proposed Parcel #3:

___ Farm Dwelling ___ Non-Farm Dwelling

Site built _____ Manufactured _____ (check one)

*If a manufactured dwelling: Year and Model _____

Square footage of proposed structure: _____ Height of structure: _____ feet

On Site Evaluation/Authorization: _____

Existing well _____ Proposed Individual well, spring or cistern _____

Road Access Permit: Yes ___ No ___ MF #Recorded: _____

Proposed Access: State ___ County ___ Public ___ Private Easement ___

Accessory Structure(s) ___ Existing ___ Proposed

Square Footage _____ Use _____

Is this an addition to an existing accessory structure: Yes ___ No ___

Existing structure size: _____ sq. ft. No. of stories _____

Square Footage _____ Use _____

A BURDEN OF PROOF will need to be submitted and address

Chapter 17.24 Land Partitioning

and

Chapter 18.16.040 Dwellings not in conjunction with farm use

Was the original lot or parcel lawfully created prior to July 1, 2001 Yes ____ No ____

During which of the preceding five years has the subject property been receiving special tax assessment for farm use? _____ years

Describe how fire protection will be provided to the property. If the subject property is located outside of the Crook County Fire Department Fire Protection District indicate how you would provide protection, including water source and fire prevention. (Attach a sheet if needed)

Are utilities available to the property? Yes ____ No ____

WILDLIFE

ODF&W, Prineville Field Office, 2042 SE Paulina Hwy Phone: (541) 447-5111

Is the subject property located within a "Winter Wildlife" overlay zone? Yes _____ No _____

Is the subject property located within a "Sensitive Bird Habitat" zone? Yes _____ No _____

COMMENTS: _____

ODF&W Signature: _____ Date: _____

Print Name: _____

IRRIGATION WATER

Does the property have any irrigation district infrastructure? Yes _____ No _____

Does the property have irrigation water right? Yes _____ No _____

If the property has irrigation water rights, who is the supplier:
_____ Central Oregon Irrigation District - 541-548-6047

_____ Ochoco Irrigation District - 541-447-6449

_____ Water Resources Department - 541-306-6885

_____ People’s Irrigation District - 541-447-7797

_____ Other: _____

Watermaster Signature: _____ **Date:** _____

Print Name Clearly: _____ Phone: _____

Irrigation District Signature: _____ **Date:** _____

Print Name Clearly: _____ Phone: _____

WEED CONTROL

1306 N. Main Street, Prineville Phone: (541) 447-7958 Email: kev.alexanian@co.crook.or.us

Weed Master Signature: _____ Date: _____

COMMENTS:

NOTICE TO ALL APPLICANTS

The Crook County Planning Department is required to review all applications for accuracy and to determine whether the staff and/or Planning Commission have the information needed to make a decision. County Ordinances allow the County 30 days to determine whether the application is complete. If the Planning Department determines that your application is incomplete, you will be requested, in writing, to provide the necessary missing information, and a decision on your application will be postponed until the information is received. State Law requires that information to support an application be available for public inspection at our office 20-days before a public hearing. Any information submitted after this date may require a postponement of the hearing date if necessary.

Please make sure your application is complete. The burden of proof lies with the applicant.

SIGNATURES

I agree to meet the standards governing the laws as outlined in the State of Oregon’s OAR, ORS, Crook County Code, and Crook County – Prineville Comprehensive Plan. I agree that all the information contained in this application is true to the best of my knowledge.

Property Owner Signature: _____ Date _____

Print name: _____

Property Owner Signature: _____ Date _____

Print name: _____

Agent/Representative Signature: _____ Date _____

Print name: _____

APPLICATION REQUIREMENTS

1. A completed Soil Survey and One Mile Study (available from the Crook County Community Department – 541.447.3211).
2. A “Burden of Proof” statement stating how all the applicable code criteria will be satisfied.
3. A copy of the Vicinity Map and Tax Lot Card
4. A copy of the earliest deed or contract that describes the property in its current configuration (available from the Crook County Clerk’s Office)
5. An approved “Site Evaluation” for each proposed parcel without an existing residence.
6. An approved Road Access Permit(s), if applicable.
7. A current Status of Record Title Report for documentation of ownership. (NOTE: The Status of Record Title Report must be dated 30-days prior to submittal of the application to the planning department - No exceptions.)
8. A signed copy of an “Acknowledgement of Tax Consequences” (Form A).
9. A completed Authorization form if using an agent or representative.
10. A copy of the irrigation map for the area and historical water rights information on the subject property (available from the Irrigation District).
11. A completed application form with the appropriate signatures
12. Submit the correct application fee
13. A letter from the electric utility serving the area affirming the ability to serve the proposed dwelling.
14. A letter from any other appropriate utilities affirming their ability to serve the proposed dwelling; i.e. phone, gas, cable, etc.
15. A letter from the Fire District or other entity affirming that the district or entity is able to serve the proposed dwelling. If you are not in a fire protection district, provide a fire protection plan including water source and fire prevention.
16. A letter from the supplier of your domestic drinking water affirming the supplier’s ability to provide water. Or, if you are drilling a new well, provide at least two well logs for wells developed in the area showing water is available or a letter to that effect from the Watermaster.
17. A detailed “Plot Plan.” A Plan of the proposed partitioning.
18. Names and addresses of the landowner, the partitioner, a mortgagee, if applicable, and the engineer or surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created.
19. Where a tract of land is within the boundaries of an irrigation district, shall be accompanied by a water rights division plan approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the district Watermaster or his representative serving the Crook County area.

SUPPLEMENTAL INFORMATION

Farmland in Oregon is protected through Exclusive Farm Use (EFU) zoning. Within Crook County there are three (3) EFU zones; EFU1 – Post/Paulina area; EFU2 – Prineville Valley/Lone Pine area; and EFU3 – Powell Butte area. In order to protect the land available for commercial farming and to reduce conflicts between farming and rural dwellings, the types of dwellings allowed in EFU zones are strictly regulated under Oregon State Law. In general terms, three types of dwellings are allowed: *1) Non-farm dwellings, which may be authorized on land not authorized on land not suitable for raising crops or livestock, 2) Lot of Record dwellings, and 3) Farm dwellings.*

Oregon State Law, as implemented by the Crook County Comprehensive Plan and Crook County Code, places strict limits on siting on non-farm dwellings in EFU zones. The Oregon courts have stated that under Oregon law, non-farm dwellings should be the exception and that approval for them should be difficult to obtain.

Title 18, Chapter 18.16 (EFU1 – Post/Paulina area), (EFU2 – Prineville Valley – Lone Pine area), and (EFU3 – Powell Butte area) of the Crook County Code. Code language and sample staff report is available upon request.

This application requests information that will assist Crook County planners in evaluating whether your proposal meets these criteria. The information requested in this application is the minimum information necessary. Failure to complete applicable portions of this application form may result in the County not accepting your application or denying your application for failure to demonstrate that the criteria have been met. The County can assist you by proving such information from the Crook County Assessor, Crook County Clerk's Office, and the Crook County GIS Department. However, the burden of proof lies on you, the applicant, to demonstrate that the criteria have been met. In many cases, you may wish to provide information in addition to that requested to support your application. Approval of a non-farm dwelling may require payment of deferred taxes. Before deciding whether to proceed, you should read and make sure you understand the "Acknowledgment of Tax Consequences" form, which is attached to this application.

Although a pre-application meeting is not required it is highly recommended and no cost.

DETAILED PLOT PLAN

A detailed plot plan is required to show the location of existing dwellings and structures, if the location of the proposed non-farm dwellings and accessory structures on the vacant land is not known at the time of application, a site plan review will be required prior to development of the non-farm parcel.

The detailed "Plot Plan" must include the following:

1. Scale of map – not greater than one inch per 400 feet.
2. North arrow.
3. Dimensions and boundaries of the property.
4. Location of all easements and names, and the right-of-way widths of existing roads and easements or right-of-way for any proposed roads, utilities, bikeways, and access corridors.
5. If the parcel or lot has irrigation water right, indicate the area of the water right with the number of irrigated acres. In addition, submit a copy of a water right map from the district.
6. Names and locations of all roads adjacent to the property.
7. Direction and percent of slope.
8. Location of well or water source on your property. In addition, indicate the distance from water source to nearest point of septic system drain field and/or replacement drain field area.
9. Location of septic system test holes used for the site evaluation during the feasibility process. In addition, the location of the proposed septic tank, drain field and replacement drain field that shows the dimensions and spacing of the leachlines. Further, indicate the distance from the septic tank and septic system to the property lines.
10. Location, size and intended use of all structures, existing and proposed.
11. Location of driveways or other roads on the property, existing and proposed.
12. Location of all public utility easements. In addition, attached copies of the recorded utility easement that indicates easement width.
13. Distance (setbacks) from all structures to all property lines.
14. Location of all major features (canals, irrigation ditches, rock ledges, etc)
15. Location of rimrock, if applicable.
16. Location of all drainage, creeks, springs, etc., with distance to the proposed development site.

FORM A

ACKNOWLEDGEMENT OF TAX CONSEQUENCES

Oregon law requires that any property receiving special farm tax assessment be disqualified from such tax status upon receipt of preliminary approval for a non-farm dwelling. In addition, the law requires that certain taxes associated with disqualification be paid before the non-farm dwelling can be built. The statute, as set forth in ORS 215.236, reads as follows:

Loss of Tax Deferral

- a. Pursuant to Oregon Revised Statutes 215.236, a non-farm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor’s Office that the parcel upon which the dwelling is proposed has been disqualified for special assessment value for form use under ORS 308.370 or other special assessment under Oregon Revised Statutes 308.765, 321.730, or 321.815 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

- b. A parcel that has been disqualified for special assessment at value for farm use pursuant to Oregon Revised Statutes 215.236(4) shall not re-qualify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

I/We the undersigned by my/our signature acknowledge having read the above provision and I/we understand that under Oregon Real Property Tax Law, approval of this non-farm dwelling/application may result in significant deferred real property tax liability.

Property Owner _____ Date _____
(Signature)

Property Owner _____ Date _____
(Signature)



Crook County Community Development

300 NE 3rd Street, Prineville, OR 97754

Phone: (541) 447-3211 Fax: (541) 416-2139

Email: bld@co.crook.or.us Website: www.co.crook.or.us

AUTHORIZATION FORM

Let it be known that _____
(Print name clearly)

has been retained to act as my authorized agent to perform all acts for development on my property noted below. These acts include: Pre-application conference, filing applications, and/or other required documents relative to all permit applications in regards to this project.

Physical address of property: _____ and described in the records of
CROOK COUNTY, Oregon as map/tax number: _____

The costs of the above actions, which are not satisfied by the agent, are the responsibility of the undersigned property owner.

PROPERTY OWNER (Please print clearly)

Printed Name: _____ Date: _____

Signature: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

eMail: _____

Individual Corporation Limited Liability Corporation Trust

IMPORTANT NOTE: If the property is owned by an entity, include the names of all the authorized signers.

If a Corporation: Provide the name of the President, or other authorized signor (s).

If a LLC: Provide the names of ALL members and managers.

If a Trust: Provide the name of the current Trustee (s).

In addition, if you are a corporation, you will need to include a copy of the bylaws, an operating agreement if you are an LLC, or Certificate of Trust if you are a trust that verifies authority to sign on behalf of the entity

APPROVED AGENT

Printed Name: _____ Date: _____

Signature: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

eMail: _____