

## LAND USE PERMIT APPLICATION REVIEW PROCESS



# LAND USE PERMIT APPLICATION 2022

For a **PARTITION &  
NON-FARM  
DWELLING**  
(Type III Review)

Return Application  
Materials to Either:

**Brandon McMullen,**  
Planning Director  
Voice: (541) 573-6655

[Brandon.mcmullen@co.harney.or.us](mailto:Brandon.mcmullen@co.harney.or.us)

at

**Harney County Planning  
Department**

450 N. Buena Vista  
Burns, OR 97720  
Fax: (541) 573-2762

Visit us at  
[www.co.harney.or.us](http://www.co.harney.or.us)

### PLANNING COMMISSION MEETINGS ARE HELD

Harney County Courthouse  
Circuit Court Room  
3<sup>rd</sup> Wednesday of each month,  
7:00 PM

Get the latest version!  
Application Revision Date:  
2022

This form provides for the simultaneous review of multiple proposed land use actions. Project review will be through an integrated and consolidated format as follows:

#### 1. **Pre-Application Meeting:**

The applicant(s) will meet with the Planning Director to review the proposed development/request. Applicable information will be discussed in relation to the proposal. The applicant(s) will then submit all applicable materials to the Planning Department at their convenience.

#### 2. **Application Meeting**

The Planning Director will contact the applicant again to review the submitted application within one week after all materials have been submitted if the application is incomplete. The Planning Director will review applicable regulations in regards to the type of application. Once the application is complete the 150 day clock will begin which is the maximum amount of time the County has by law to process the application.

#### 3. **Consideration by Planning Commission**

Public notices are published in the Burns-Times Herald and sent to adjacent property owners. The application will then go before the Harney County Planning Commission in an Open Record Public Hearing (unless the application is for a Property Line Adjustment, Farm Dwelling, or other Land Use Action requiring Administrative Review which is heard by the Planning Director). Public comment is received and recommendations are made to the decision making body.

#### 4. **Decision Making Body Approval or Denial**

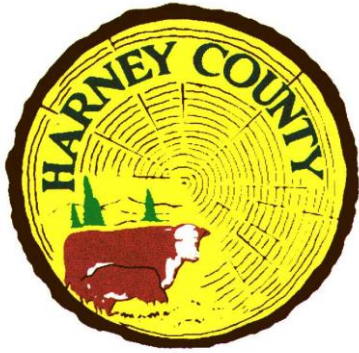
The decision-making body (Planning Commission or County Court) takes the recommendation and either approves or denies the application. The County Court may, if the action is legislative in nature, send the application back to the Planning Commission for further review.

#### 5. **Provision for an Appeal**

An appeal is provided for if the applicant/person with standing desires to challenge a decision of the decision-making body. The County Court or Planning Commission may hear the first level appeal.

#### 6. **First and Second Level Appeals**

An appeal process is provided and is heard by a legislative body - either: the Harney County Court, LUBA or the Oregon State Court of Appeals.



Project Application #: 22-

Date Complete:

Final Decision or Public Hearing Date:

## **Harney County Planning Land Use Permit Application 2022**

This application must be submitted to the Harney County Planning Department, 360 N. Alvord Ave., Burns, OR 97720, (541) 573-6655, and must be accompanied by a non-refundable application fee(s). Acceptance of the application and fee(s) does not guarantee approval. **PLEASE COMPLETE THIS APPLICATION BY PRINTING CLEARLY WITH A BLUE or BLACK INK PEN (copies come out better). THANK YOU.**

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### **Section 1: Contact Information**

Name of Applicant:

Address:

City, State, Zip:

Email & Telephone Number:

Name of current Property Owner(s):  
(If Property Owner is not the applicant)

Address:

City, State, Zip:

Email & Telephone Number:

The applicant or an appointed representative **MUST** be in attendance at the Public Hearing (if required) of the Harney County Planning Commission in order to explain the project. Planning Commission meetings occur every 3<sup>rd</sup> Wednesday of the month at 7 PM in the Harney County Circuit Court Room.

If there is no representative present during the scheduled Public Hearing for this Land Use Permit Application, the application will be tabled until the next regularly scheduled meeting.

## Section 2: Type of Application and Fees

The following total must be paid when submitting an application. (Note: Additional Cost will be billed and must be paid prior to receiving a decision on the application.)

			Process Summary			
<input checked="" type="checkbox"/>	Type of Application: (Alphabetically Listed)	Fee(s):	Public Comment Period	Open Record Hearing	Decision Made By	1 <sup>st</sup> and 2 <sup>nd</sup> Level Appeal
<input checked="" type="checkbox"/>	<b>Partition &amp; Type III Review</b> (Divide parcel into 3-parcels) (A Surveyor's Review Fee is Required)	\$850.00 * +\$75.00	20 + days	PC	PC	CC and LUBA
<input checked="" type="checkbox"/>	* Partitions: Tax Map Maintenance Fee.	<b>\$35</b> (+\$35 for each proposed lot to be created)	<p><i>Key for Abbreviations used above:</i>  <b>PD</b> - Planning Director, <b>PC</b> - Planning Commission, <b>CC</b> - County Court, <b>LUBA</b> - Land Use Board of Appeals</p> <p>° It should be noted that appeals above LUBA would go to the Oregon Court of Appeals and possibly the Oregon Supreme Court</p> <p>° <b>Application Fees are NON REFUNDABLE.</b> Waivers may be granted by the Planning Director upon special request.</p>			
<input checked="" type="checkbox"/>	Site Plan Review (required for <u>all</u> applications):	<b>\$35.00</b>				
<input checked="" type="checkbox"/>	County Clerk Recording Fee of Findings and Decision:	<b>\$131.00</b>				
<b>TOTAL FEE</b> *** (see below for Additional Costs to be billed and paid separately):		<b>\$1126.00</b> (partition to 2 lots) or <b>\$1161.00</b> (partition to 3 lots)				

\*\*\***Advertisement Costs:** All land use applications will also have additional costs to be billed to the applicant **AFTER** the application is processed - actual costs for public notice in the Burns-Times Herald, \$2.00 for every adjacent landowner that receives a public notice by mail, AND \$8.00 for adjacent landowners map. For a Non Farm Dwelling

an additional \$8.00 fee also applies to produce a Soils and 2000 acre Buffer Map. (See HCZO Section 9.050 for Filing Fee Schedule)

**Appeals:** There is a non-refundable fee when appealing to the Harney County Court of \$250.00

## Section 3: Property Information

Complete this section.

<p>1. <b>Location</b> of Property (Provide directions you would give someone to get to the property):</p>	
<p>2. Has the Property or dwelling received a <b>Rural Address</b>? <i>If so, what is it?</i></p>	<p><input type="checkbox"/> Yes: _____  <input type="checkbox"/> No</p>
<p>3. Assessor's <b>Account Number(s)</b> for the Property:</p>	<p>Parcel 1: _____  Parcel 2: _____  Parcel 3: _____</p>
<p>4. Assessor's <b>Tax Lot Number(s)</b> for the Property:</p>	<p>Parcel 1: _____  Parcel 2: _____  Parcel 3: _____</p>
<p>5. <b>Legal Description</b> of Property: Township: _____ Range: _____ Section: _____  <b>Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".</b>  (Obtain the legal description from either the Planning Department or Tax Assessor's Office)</p>	
<p>6. <b>Current Zoning</b> Classification:</p>	<p><input type="checkbox"/> EFRU-1  <input type="checkbox"/> EFRU-2  <input type="checkbox"/> FU or OTHER _____</p>
<p>7. <b>Current Use</b> of Property:</p>	
<p>8. <b>Surrounding Uses</b> of Property:</p>	
<p>9. <b>Size</b> of Property: (acres)</p>	
<p>10. Does the Property reside in a <b>Floodplain</b>? If the Property is in a Floodplain (Zone Ax) you will need to complete a Floodplain Development Permit before building.</p>	<p>No: _____  Yes: _____  Zone: _____  Panel Number: _____  Will <b>building permits</b> eventually be applied for on this project? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>11. Is the property located in <b>wetlands</b> as listed on the National Wetlands Inventory maps?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>12. What road provides <b>ACCESS</b> to the Property?</p>	
<p>13. Will the Property need an <b>Access Permit</b> onto a County Road or State Highway? <i>(If so call Kerry Landers, County Road master, 541-573-6232, or ODOT, 541-889-9115).</i></p>	<p><input type="checkbox"/> Yes, if so please contact the proper authority and provide that documentation with this application. <input type="checkbox"/> No</p>
<p>14. Are there any <b>easements</b> that provide the <b>MAIN ACCESS</b> for the Property <b>OR</b> adjacent properties?</p>	<p><input type="checkbox"/> Yes, if so please provide the documentation with this application. <input type="checkbox"/> No</p>
<p>15. Does the Applicant hold <b>Title</b> to the Property? <i>If not, what is your interest in the Property?</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No _____</p>
<p>16. What type of <b>Water Use/Rights</b> is present on this Property? Describe type of Water Use - domestic wells, surface water rights, etc. (Contact Watermaster Catie Kerns, OWRD, County Courthouse, 541-573-2591.)</p>	<p><input type="checkbox"/> No water uses/rights present. <input type="checkbox"/> Yes, there are water uses/rights. Circle those that apply: <b>Stock Wells, Domestic Wells, Irrigation Wells</b></p>
<p>17. What is the <b>environmental health</b> of this Property? For example are there any dumpsites, pollutants, etc. which makes this Property environmentally unhealthy?</p>	<p><input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor, if so, please explain:</p>
<p>18. Are there any <b>natural hazards</b> found on the Property?</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, if so, please explain:</p>
<p>19. Are there any <b>Archeological Sites</b> on this Property? <i>(If during construction, remains are uncovered please contact the Harney County Planning Department immediately)</i></p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, if so, please describe:</p>

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20. Is the Property considered a **Legal Lot of Record**? This means that the parcel or lot was created according to required procedures. Mark which description applies and provide documentation (i.e. Property Deed Card - Assessor's Office):

- A lot in an existing, duly recorded **subdivision**; or,
- A parcel in an existing, duly recorded major or minor land **partition**; or,
- An existing unit of land for which a **survey** has been duly filed which conformed to all applicable regulations at the time of filing, or,
- Any unit of land **created PRIOR to zoning** and partitioning regulations by deed or metes and bounds description, and recorded with the Harney County Clerk, provided, however that contiguous units of land so created under the same ownership and not conforming to the minimum property size of the underlying zone shall be considered one (1) lot of record.
- The **Property does not meet any of the above** descriptions.

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21. Projected timeline of proposal: (*If applying for a Conditional Use Permit it should be noted that **if there is no substantial development begun within 1 year from the date of approval, an extension must be written and approved by the Harney County Planning Commission before the permit expires** [the 1 year anniversary date]. There is a limit to one extension.*)

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22. **Provide a description of proposal:**

## Section 4: Facilities and Services to Serve Project

Complete this section.

All facilities and services provided in Harney County are listed below. Please indicate who will provide each facility/service (either public or private) by providing name, address, and phone. For example, if a private domestic well were providing the drinking water, the provider would be the property owner.

Facilities and Services	Name of Provider, Address and Phone
23. Potable (drinking) Water:	<input type="checkbox"/> Private Property Owner, <input type="checkbox"/> Other _____
24. Sanitary Sewage Disposal:	<input type="checkbox"/> Private Property Owner, <input type="checkbox"/> Other _____
25. Electrical Services:	<input type="checkbox"/> Harney Electric Co-op, <input type="checkbox"/> Idaho Power, or <input type="checkbox"/> Oregon Trail Electric Co-op
26. Solid Waste (trash):	<input type="checkbox"/> C & B Sanitary, <input type="checkbox"/> Landfill: _____
27. County Roads:	<b>Harney County Road Department</b> , 266 S. Date, Burns, OR 97720, 573-6232
28. Law Enforcement:	<b>Harney County Sheriffs Department</b> , 485 N. Court, Burns, OR 97720, 573-6156
29. Structural Fire Protection:	(Currently there is no Rural Fire District in the County to provide structural Fire Protection.)
30. Public Schools:	
31. Telephone:	<b>Centurytel - (800)-637-9843</b>

32. Will there be any **undue impacts** on public facilities and services as a result of this land use proposal? (Attach additional pages if necessary.)

Yes, if so, please explain.

No

**NOTE:** "Undue impacts" are when the public facilities or services mentioned above will be adversely impacted or reach a point where they can no longer provide adequate levels of service to the general public.

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## Section 5: Multiple Permits

Complete this section.

33. <b>Proposed Use</b> of the Property:	
34. What is the <b>nature and purpose</b> of this Comprehensive Plan Amendment, Conditional Use Permit, Variance, or Zone Change?	
35. What are the <b>reasons</b> this Property needs and is suited for a Comprehensive Plan Amendment, Conditional Use Permit, Variance, or Zone Change?	
36. What <b>effects</b> might the Comprehensive Plan Amendment, Conditional Use Permit, Variance, or Zone Change have on <u>adjoining property</u> ?	



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## Section 6: Partition

Complete this section.

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37. Please provide a **Legal Description** for the parcel that will be effected by this Partition:

Legal Description of **Original Parcel**:

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Tax Lot: \_\_\_\_\_

**Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".**

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38. Please describe the **reasons** this parcel should have a division:

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39. What are the **current sizes** of the parcels involved?

Parcel 1 \_\_\_\_\_ acres

Parcel 2 \_\_\_\_\_ acres

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40. What is the **proposed size** of each parcel created?

Parcel 1 \_\_\_\_\_ acres

Parcel 2 \_\_\_\_\_ acres

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## Section 7: Non-Farm Dwelling

Complete this section. The criteria for a non farm dwelling is listed in the Harney County Zoning Ordinance (HCZO) under 3.010(6)(B) or 3.020(6)(B). In addition, any applicable state criteria which is not incorporated in the HCZO is applicable. Currently, state criteria and rules for a non farm dwelling are listed under ORS 215.284(7) and associated Oregon Administrative rules listed under OAR 660-033-0010. Please answer the following questions in regards to the development of a non farm dwelling. If you require more space to answer the questions, please attach your answers to this application and label them as exhibits (e.g., "see exhibit C"). Note: An application for a non farm dwelling must meet all of the criteria as set out in the HCZO.

<p>41. Will the dwelling or activities associated with the dwelling <b>force a significant change</b> in or significantly increase the cost to associated farming or forest practices on nearby lands devoted to farm or forest use? <i>If so, please describe:</i></p>	<p><input type="checkbox"/> Yes, if so please explain in detail. (Use separate sheet)</p> <p><input type="checkbox"/> No</p>
<p>42. Is the dwelling situated upon a lot or parcel or portion of a lot or parcel that is <b>generally unsuitable land</b> 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?</p>	<p><input type="checkbox"/> Yes, if so please explain in detail. (Use separate sheet)</p> <p><input type="checkbox"/> No</p>
<p>43. Will the dwelling be sited on a lot or parcel <b>created before January 1, 1993?</b> <i>If so, provide documentation from the County Assessor's office stating that fact (a brief memo).</i></p>	<p><input type="checkbox"/> Yes, if so please provide a statement from the County Assessor's office.</p> <p><input type="checkbox"/> No</p>
<p>44. Will the dwelling <b>materially alter</b> the stability of the overall land use pattern of the area?</p>	<p><input type="checkbox"/> Yes, if so please explain in detail. (Use separate sheet)</p> <p><input type="checkbox"/> No</p>
<p>45. Is the parcel on <b>Farm Use Special Assessment?</b> <i>If so, the parcel will not receive final approval without evidence that the lot or parcel has been disqualified.</i> Payment of these back taxes will be collected <u>AFTER</u> this application has been approved.</p>	<p><input type="checkbox"/> Yes, Contact the County Assessor's office for the amount to be paid.</p> <p><input type="checkbox"/> No</p>

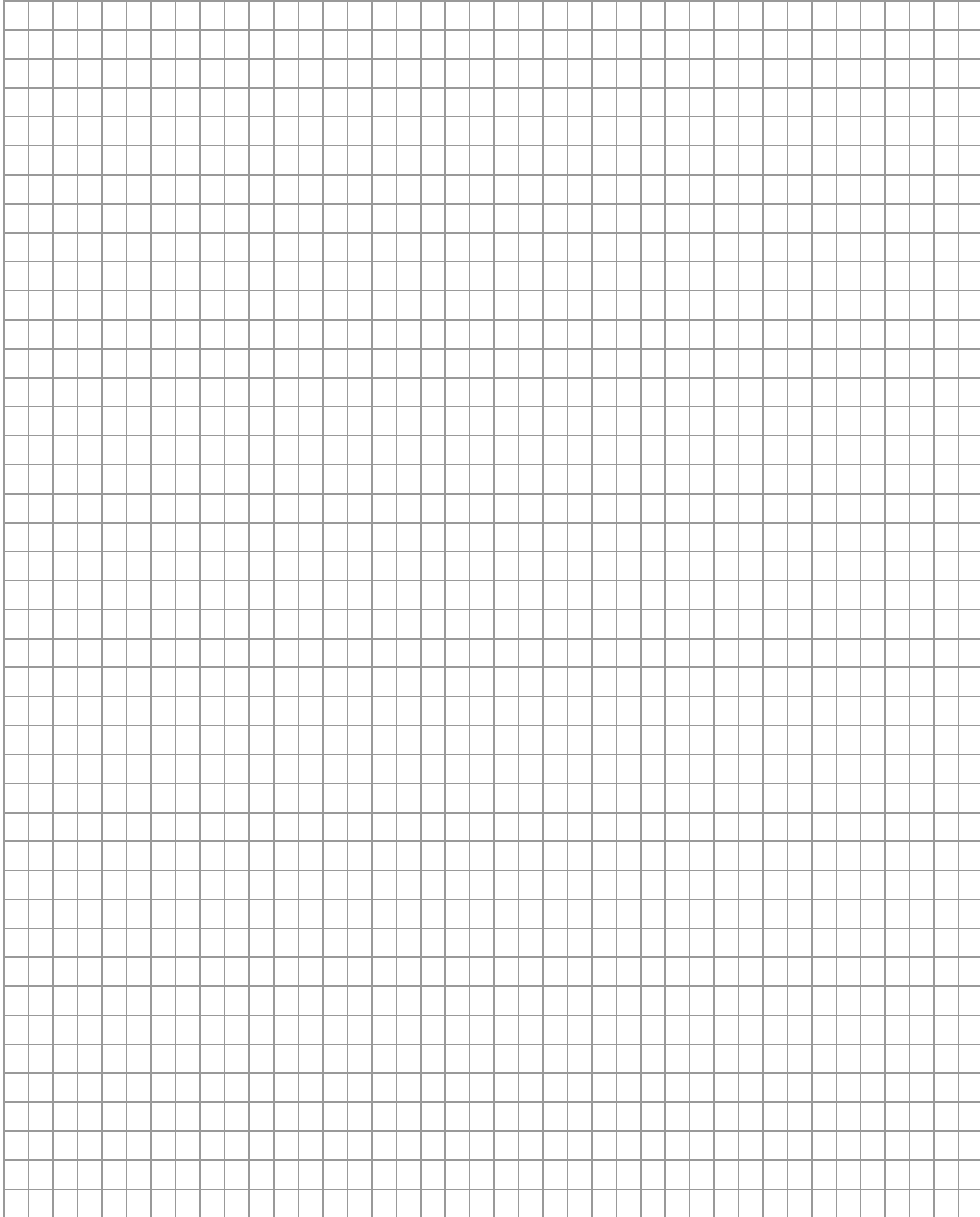
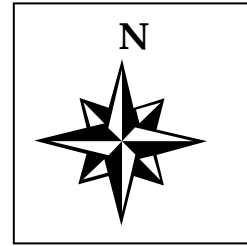
## Section 8: Required Application Materials

46. These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This drawing DOES NOT take the place of any maps required to be submitted by a Licensed Surveyor. This site plan will show what is or will be on the property. Additional material may be requested.

<input checked="" type="checkbox"/>	<b>Materials to be submitted for ALL types of Applications:</b>
<input type="checkbox"/>	a) Completed <b>Application form</b> .
<input type="checkbox"/>	b) Applicable <b>Application fees</b> .
<input type="checkbox"/>	c) <b>Site Plan</b> Marked Exhibit B (see proceeding page) to include:
<input type="checkbox"/>	• North Arrow
<input type="checkbox"/>	• Site area showing <b>Property boundaries</b> and dimensions
<input type="checkbox"/>	• Proposed and existing <b>structures</b> with dimensions to nearest Property lines.
<input type="checkbox"/>	• Location of existing <b>wells</b>
<input type="checkbox"/>	• Location of existing <b>septic systems</b> (i.e. tanks, drain fields)
<input type="checkbox"/>	• Widths and names of <b>roads</b> adjacent to the site as well as existing roads, which provide direct access to the Property.
<input type="checkbox"/>	• Existing <b>access points</b> (driveways, lanes, etc.)
<input type="checkbox"/>	• <b>Easements</b> and rights-of-ways
<input type="checkbox"/>	• Existing <b>utility lines</b> (above and below ground)
<input type="checkbox"/>	• Approximate location of any unusual <b>topographical</b> features
<input type="checkbox"/>	• Major <b>geographic</b> features
<input type="checkbox"/>	• Location of <b>all</b> creeks, streams, ponds, springs and other drainage ways.
<input type="checkbox"/>	d) <b>Tax Map</b> - Assessor's map of the Property.
<input type="checkbox"/>	e) <b>Quick Print</b> showing property details.
<input type="checkbox"/>	f) The <b>Deed</b> of the Property in question.
<input type="checkbox"/>	g) <b>Property Deed Card</b> and description of property.
<p><b>PARTITION and SUBDIVISION Applications:</b> A Surveyor licensed in the State of Oregon must submit a Preliminary Plat showing the proposal to County standards as found in the Harney County Subdivision and Partitioning Ordinance, Article 5.</p>	



# Exhibit B Site Plan



## Section 9: Certification

I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. It is further understood that the signing of this application if for a dwelling will preclude any lawsuits related to the by-products (i.e. noise, dust, order, etc.) of farming operations.

**ALL Property Owners** with any interest in the properties being affected by this Land Use Permit Application must sign and date this form. If more room is needed signing the reverse side of this page is appropriate.

X

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Applicant

X

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Property Owner

X

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Property Owner

### **ADDITIONAL NOTICE to interested parties**

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, perspective buyer, etc.) *If so*, provide name and mailing address:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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## Section 10: Harney County Non Farm Dwelling Criteria

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- A. Non-farm Dwelling. A single-family residential dwelling, not provided in conjunction with farm use, may be established upon findings that each of the following review criteria have been satisfied:
- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
  - b. The dwelling is situated upon a lot or parcel, or a 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; and
    1. The lot or parcel shall NOT be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
    2. The lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not “generally unsuitable.” A lot or parcel, or portion of a lot or parcel, is presumed to be suitable for farm use if it is predominantly composed of Class I-VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
    3. If the lot or parcel is under forest assessment, the dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. If a lot or parcel is under forest assessment the area is not “generally unsuitable” simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not “generally unsuitable.” A lot or parcel, or portion of a lot or parcel, under forest assessment is presumed suitable for farm use if it is predominantly composed of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on surrounding lands.
  - c. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the overall land use pattern of the area, Harney County shall consider the cumulative impact of new non-farm dwellings on other lots or parcels similarly situated in the area. To address this standard the county shall:
    1. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres, or a smaller area not less than 1000 acres if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area.
    2. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm,

hardship, etc), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under ORS 215.263(4) and 3.010 (8). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this paragraph.

3. Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
  - b. The dwelling will be sited on a lot or parcel created before January 1, 1993;
  - c. The dwelling complies with such other conditions, as Harney County considers necessary.
  - d. Harney County shall require as a condition of approval that the landowner for the dwelling sign and record in the deeds records for the county a document binding the land owner and the landowner's successor's 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.
  - e. Harney County shall not grant final approval of a non-farm dwelling under this subsection on a lot or parcel that is, or has been, receiving special assessment without evidence that the lot or parcel upon which the dwelling is proposal has been disqualified for special assessment at a value for farm use or other special assessment under ORS 308A.253, 321.257 to 321.367 and any additional tax imposed as the result of disqualification has been paid.

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## NON FARM PARTITION

### *Harney County Zoning Ordinance*

#### **Article 3**

#### **3.010(8)**

### *Oregon Revised Statute*

#### **ORS 215.263(5)**

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- (5) In eastern Oregon, as defined in ORS 321.805, the governing body of a county or its designee:
- (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels smaller than the minimum size established under ORS 215.780, each to contain a dwelling not provided in conjunction with farm use if:
    - (A) The nonfarm dwellings have been approved under ORS 215.284 (7);
    - (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
    - (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size established under ORS 215.780;
    - (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under ORS 215.780; and

~~—(E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.~~

(b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use if:

(A) The nonfarm dwellings have been approved under ORS 215.284 (7);

(B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;

(C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

(D) The parcels for the nonfarm dwellings are:

(i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

(ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;

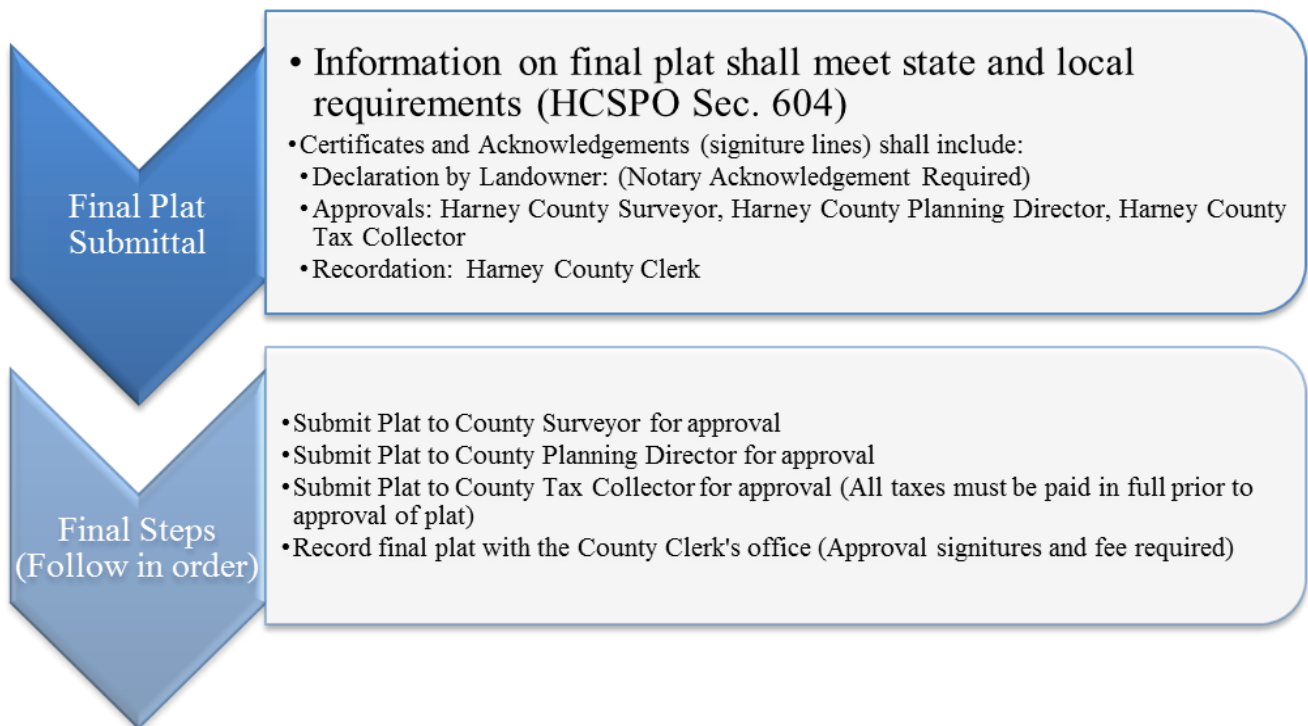
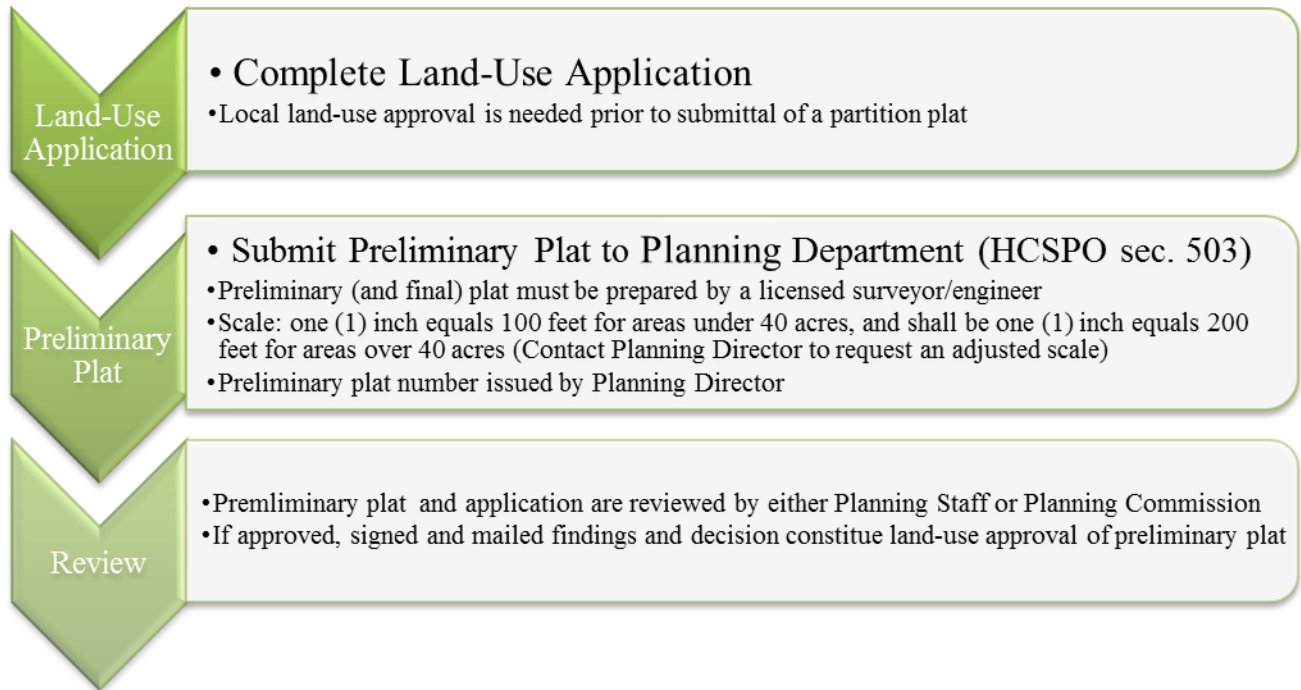
(E) The parcels for the nonfarm dwellings do not have established water rights for irrigation; and

(F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

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## Harney County Partition Plat Submittal and Approval Process



*\*Harney County Subdivision & Partitioning Ord. (HCSPO). Available online at: [www.co.harney.or.us](http://www.co.harney.or.us)*

***Failure by the subdivider, series partitioner, or partitioner to record a final plat within eighteen (18) months of the date of approval or conditional approval of the preliminary plat shall terminate all proceedings. The Planning Commission may grant an extension of time not exceeding one (1) year if the subdivider submits an application in writing.***