

Yamhill County Department of Planning & Development

APPLICATION FOR LOT OF RECORD DWELLING

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket _____
Date _____
Rec'd by _____
Receipt # _____
Fee \$1883.34

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Last name	First	MI	Last name	First	MI
Mailing address (Street or PO Box)			Mailing address (Street or PO Box)		
City	State	Zip	City	State	Zip
Telephone			Telephone		
E-mail address			E-mail address		
If the applicant is not the legal owner, state interest in property:					
PROPERTY INFORMATION					
Tax Lot(s) _____ Zone _____					
Size of Tract (include all adjacent tax lots)					

1. TYPE OF APPLICATION (what is requested?): _____

2. JUSTIFICATION FOR REQUEST YCZO Section(s): _____

A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

3. PRESENT USE OF PROPERTY: _____

4. PLEASE LIST THE TYPE OF BUILDINGS THAT ARE CURRENTLY ON THE PROPERTY (I.E. MANUFACTURED HOME, POLE BUILDING, AGRICULTURAL BARN, ETC.):

5. IS THERE A SEPTIC SYSTEM ON THE PROPERTY? Yes _____ No _____

6. HOW WILL WATER BE PROVIDED? Well _____ City _____ Other _____

7. HOW IS THE PROPERTY ACCESSED? _____

8. TO YOUR KNOWLEDGE, DO ANY OF THE FOLLOWING NATURAL HAZARDS EXIST ON THE PROPERTY?

☐ Floodplain

☐ Areas of erosion

☐ Steep slopes

☐ Fish or wildlife habitat

☐ Soil limitations for building or septic

THE APPLICANT MUST SUBMIT:

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.
2. Site plan drawn to scale showing the parcel boundaries, all existing buildings, the proposed dwelling location, existing or proposed access, and any significant natural features.
3. Deed or other evidence showing that the parcel was acquired by the present owner prior to 1985, or that the parcel was inherited from a relative who acquired it prior to 1985.
4. Written justification, maps, and other evidence showing compliance with the approval criteria. This must include evidence (deeds) showing the ownership of all adjacent parcels in 1993.
5. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not refundable.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Applicant's signature

Date

Property owner's signature (if different)

Date

State of _____)

)

County of _____)

Signed or attested before me on this _____ day of _____, 20 ____

by _____ .

Notary Public for Oregon _____
My Commission expires _____

LOT OF RECORD DWELLING REQUIREMENTS

1. **Predominant Use.** Describe the present use of the property. If the zoning is AF, indicate if the property is mostly forested or mostly in farm use: _____

If the property is zoned AF, you will need to submit evidence with the application to show if the property is predominantly forested. Evidence may include air photos (which may be purchased from the County), evidence of farm or forest deferral on the tract, or other information that shows whether the tract was in farm or forest use in 1993.

2. **Soil Type.** Provide information from the Yamhill County Soil Survey showing the soils making up the tract, the number of acres of each soil type, and the agricultural capability classification.

Soil name and symbol (i.e. WkD)	# of acres	Classification
_____	_____	_____
_____	_____	_____
_____	_____	_____

In the EF zone and for land in the AF zone that is not forested, the soil type and agricultural capability classification determine the applicable approval criteria. The approval criteria are also based on whether the tract is high-value farmland. State law classifies the following soils as high-value farmland:

- Soils rated Class I, II, prime or unique.
 - The following Class III soils: Carlton, Chehalem, Dayton, Jory, Laurelwood, Nekia, Willakenzie, Woodburn, and Yamhill.
 - The following Class IV soils: Carlton, Dayton, Jory, Laurelwood, Willakenzie, and Yamhill.
3. **Date of ownership.** When did the present owner acquire the property? _____
In order to qualify for a lot of record dwelling, the present owner must have either acquired the property prior to January 1, 1985 and owned it continuously, or must have inherited the property from a relative who had owned it continuously since prior to January 1, 1985. The application must include evidence in the form of a recorded deed or other instrument showing the date the property was acquired by the present owner and/or deceased relative. If the property was inherited, the court order for the final distribution of the estate or other evidence showing the property has been inherited must also be submitted.

4. **Consolidation of lots.** List all adjacent lots that are currently under the same ownership: _____

All adjacent lots that are under the same ownership at the time the application is submitted are considered to be part of a single tract. The lots must be consolidated into a single parcel when a lot of record dwelling is approved.

5. **Dwellings on tract.** Do any of the lots under the same ownership contain a dwelling? _____
An additional dwelling will not be approved if there already is a dwelling on the tract.
6. **1993 tract.** List all adjacent lots that were under the same ownership on November 4, 1993, and state whether there is a dwelling or land use approval for a dwelling on any of these lots: _____

A lot of record dwelling cannot be approved if there is a dwelling on a lot that was under the same ownership on November 4, 1993.

- 7. Compliance with Comprehensive Plan.** The dwelling must comply with any mandatory provisions of the Comprehensive Plan, and any other zoning ordinance requirements or state laws. This may include provisions for protection of natural resources, restrictions on building in the floodplain, access requirements, setbacks, etc.
- 8. Approval Criteria.** In addition to the requirements stated above, one of the following must be addressed. (A) applies to all properties in the F district and properties in the AF district that were predominantly in forest use in 1993. (B), (C) and (D) apply to all properties in the EF district, and properties in the AF district that were not in forest use in 1993. Provide a written explanation, maps or any other evidence you feel explains how the criteria are met.
- (A) If the tract is predominantly forested:** 1) The tract cannot be capable of producing 5,000 cubic feet per year of commercial tree species. 2) The tract on which the dwelling will be sited is within 1,500 feet of a maintained public road that will provide access to the lot. 3) The dwelling and building site must comply with siting and fire safety standards that are outlined in the Yamhill County Zoning Ordinance. In addition, a condition of approval may require that a stocking survey be submitted, showing that the tract meets minimum forest stocking requirements.
- (B) If the tract is predominantly Class I and II soils:** A public hearing before the Planning Commission is required when the soils are predominantly Class I and II. The application must include evidence showing that: 1) The lot 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 dwelling will not materially alter the overall land use pattern of the area. 3) The use will not force a significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use. 4) The use will not significantly increase the cost of accepted farming or forest practices on lands devoted to farm or forest use.
- (C) If the tract is predominantly Class III and IV high-value farmland:** 1) The tract must be less than 21 acres in size. 2) The tract must be bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and two of the bordering lots must have had dwellings on them on January 1, 1993; or the tract must be bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings must have existed on January 1, 1993 within 1/4 mile of the center of the subject tract. No more than two of the four dwellings may be within an Urban Growth Boundary. The application should include a copy of an Assessor's map showing the surrounding lots and lot sizes, and indicating which lots contain dwellings. Information from the Assessor's office should also be submitted showing that the dwellings existed on the lots on January 1, 1993.
- (D) If the tract is not high-value farmland.** There are no specific additional criteria.