



ACCESSORY FARM DWELLING

An accessory farm dwelling may be allowed in the Exclusive Farm Use (EFU) zone, subject to applicable standards from Section 7.50(B) of the Hood River County Zoning Ordinance and applicable portions of Oregon Administrative Rule 660-033-0130(24) and (30). For a complete application, a written narrative with supporting documentation should be provided explaining how your proposal complies with all of the following applicable criteria:

1. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator.
 - *Please describe the employment status of the person or persons proposed to occupy the proposed dwelling and their daily duties on the farm.*
2. The dwelling will be located:
 - a. On the same lot or parcel as the principal farm dwelling; or
 - b. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; (*Section 7.05.G. defines 'tract' as all contiguous property in the same ownership.*); or
 - c. On a lot or parcel on which the principal farm dwelling is not located, when the accessory dwelling is a manufactured dwelling and a deed restriction is filed with the County Department of Records and Assessment. The deed restriction shall require the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The accessory farm dwelling may not be occupied by a person (*except for the spouse and children of the person referenced in subsection 1 above*) who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not required by the farm operator. The manufactured dwelling may remain if it is re-approved under Section 7.50(B); or
 - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 (*i.e. 80 acres*) and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7) (*i.e. \$80,000 or \$60,000 on non high-value farmland*), whichever is applicable; and

- *Please indicate which of the above standards best describes your situation. Please indicate the type of dwelling proposed and the specific parcel on which it is to be located. Also, please indicate the parcel on which the principal farm dwelling is currently located, especially if located on a different lot or parcel.*
3. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling;
- *Please provide a list of all dwellings in your ownership that are located in EFU zone whether contiguous to the parcel involved or not. Also please indicate whether the dwelling is occupied or currently vacant. If occupied, please indicate whether the dwelling is occupied by the farm operator, farm employee, tenant, or other. If vacant or occupied by someone not employed by the farm operation, please explain why the dwelling could not be used instead of the proposed dwelling.*
4. The principal farm dwelling to which the proposed dwelling would be accessory, complies with the following standards from Section 7.50(A)(1) of the County Zoning Ordinance:
- a. The subject tract is currently employed for farm use, as defined in ORS 215.203 (*provided below*);
 - *Please describe your current farm use, including the specific types of crops grown or livestock raised and number of acres involved.*
 - b. The subject tract produced at least \$80,000 [*or \$60,000 if not on High Value Farmland*] in gross annual income from the sale of farm products in the last two years, or three of the last five years, subject to the following limitations:
 - i. The cost of purchased livestock shall be deducted when determining the gross annual income;
 - ii. Only gross income from land owned, not leased or rented, shall be counted; and
 - iii. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - *Please provide documentation to prove the amount of gross income generated from your farm operation for the last two years or three of the last five years. Accepted documentation includes, but is not necessarily limited to, Schedule F from your Federal Income Tax Returns, bin receipts from your packinghouse, and a letter from your certified professional accountant.*
 - *Please confirm that your stated gross income does not come from leased or rented property or from land that was previously used to qualify another primary farm dwelling.*
 - *If your gross income is derived from livestock, please confirm that the cost of purchased livestock has been deducted from the income provided.*

- c. The dwelling will be occupied by a person who produced the commodities, which grossed the income in subsection 4(b) above.

Please confirm that the dwelling identified as the farm operator's dwelling is currently occupied by the person who produced commodities, which gross the above income.

5. The County governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling 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.

- *This requirement will be made a condition as part of any accessory farm dwelling approval.*

Definitions

Oregon Administrative Rules (OAR) 660-033-0130(24)(e) indicates that "accessory farm dwellings include all types of residential structures allowed by the applicable state building code."

OAR 660-033-0130(12)(b) defines farm or ranch operation as "all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203."

Oregon Revised Statutes (ORS) 215.203(2)(a) defines Farm Use as "the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3)."

Tract is defined as one or more contiguous lots or parcels in the same ownership.

Contiguous means connected in such a manner as to form a single block of land, but does not include parcels that meet only at a single point.