



## **Farm Operator Dwelling (Income Test)**

A farm operator dwelling is an allowed use in the Exclusive Farm Use (EFU) zone, subject to the requirement of Section 7.50(A)(1) of the County Zoning Ordinance and applicable portions of Oregon Administrative Rule 660-033-0135(5) through (9). For a complete application, supporting documentation should be provided explaining how your proposal complies with all of the following applicable criteria:

1. The subject tract is currently employed for farm use, as defined in ORS 215.203; (*see attached definition*).
  - *Please describe your current farm use, including the specific types of crops grown or livestock raised and number of acres involved.*
2. 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:
  - (a) The cost of purchased livestock shall be deducted when determining the gross annual income;
  - (b) Only gross income from land owned, not leased or rented, shall be counted; and
  - (c) 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 certified letter from your 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.*
3. There is no other dwelling on the subject tract, unless that dwelling meets the standards for an accessory farm dwelling (*Section 7.05.G. defines 'tract' as all contiguous property in the same ownership.*”).
4. The proposed dwelling will be occupied by a person who produced the commodities which grossed the income in subsection 2 above.

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

5. Prior to the final approval for a dwelling authorized above that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that a

covenants, conditions and restrictions form (available at the Planning Department) has been recorded with the County Department of Records and Assessment subject to the requirements of OAR 660-033-0135(9)(b) through (e). The covenants, conditions and restrictions form shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

- (a) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
- (b) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

## **Definitions**

**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.

**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.