



MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185

File Number: _____
Application Fee: _____
Received: _____

BRH REZONING APPLICATION

LANDOWNER INFORMATION

Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
Email: _____

APPLICANT INFORMATION Check box if same

Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
Email: _____

ORIGINAL PROPERTY INFORMATION

Township: _____ Range: _____ Section: _____ Tax Lot: _____ Ref #: _____ Acres: _____ Zoning: _____
Address/General Location: _____

BRH REZONING APPLICATION REQUIREMENTS:

Applications for BRH rezoning or associated land divisions will only be accepted if pre-clearance eligibility requirements are met.

**The following shall be met for all rezoning applications:*

If a land division is proposed, the applicant must complete the required partition or subdivision application and submit with this rezoning application.

BRH Pre-Clearance Map showing location of proposed homesites (parcels or lots) within the eligibility area.

**This map demonstrates that the proposed lots/parcels for rezoning are:*

1. Within the Border Region, Zoned EFU/ERU, privately-owned and within a Rural Fire District
2. Not classified as high value farmland as described in o ORS 195.300(10), except for subsections 10(c)B and 10(f)(E). [Note: all Class I-III soils in the Border Region are mapped by the state as High-Value Farmland.]; does not have a lower soil classification which, if irrigation, is classified as having Class III soil
3. Not within a designated critical groundwater area per ORS 537.730-740 or within an area where groundwater withdrawals are restricted by the Oregon Water Resources Commission
4. Not shown having a Point of Use permit by the Oregon Water Resource Department
5. Not within the 100-year floodplain as defined on Federal Emergency Management Agency maps and referenced in Malheur County Title 5, Chapter 2 – Flood Control

A scale drawing showing the location and dimensions of each proposed homesite within the eligibility area for the subject property and show the location of proposed structures on each 2-acre homesite (parcel or lot) and setbacks from proposed property lines. The drawing must comply with BRH zone development standards. (MCC 1-13-5-E). It is recommended that this drawing be prepared by a surveyor licensed in the state of Oregon.

A description of how access will be provided to the site from a public road, and how water and sanitation will be provided to each homesite. (See also partitioning and subdivision application requirements.)

Aerial photographs for the last 3 years showing the proposed homesites, remaining land under the same ownership, and all adjacent tax lots (including those directly across the road).

- An affidavit form, signed by the property owner, stating that the land proposed for rezoning has not been employed for farm use in the prior 3 years.
- A signed form from the applicable irrigation district certifying whether the land proposed for BRH rezoning has an irrigation water right.
- A letter from the applicable Rural Fire District confirming that the land proposed for rezoning has fire protection and including emergency access and fire protection requirements.
- Tax assessor records showing whether each proposed 2-acre homesite (parcel or lot) has been subject to farm tax deferral in the last three years.
- A signed form from the tax assessor stating that the land proposed for rezoning has not been assessed for purposes of open space under ORS 308A.300 to 308A.330, riparian habitat under ORS 308A.350 to 308A.383, wildlife habitat under ORS 308A.403 to 308A.430 or having a conservation easement under ORS 308A.403 to 308A.430 within the prior 10 years.
- A written narrative and evidence demonstrating that ***the area proposed for rezoning has not been actively farmed for three years prior to application submission***. In addition to the signed affidavit from the property owner, evidence should include aerial photographs, tax records, affidavits from abutting property owners, or other means acceptable to the Review Board.
- A written narrative and evidence to demonstrate that ***the area proposed for rezoning is not viable for reasonably obtaining a profit through farm use***. Expert testimony from experienced farmers, the Farm Bureau or the Oregon State University Extension Service may be considered by the Review Board in making its determination.
- A written narrative and evidence to demonstrate that ***the proposed rezoning, if approved, would not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use***. To address this criterion, the applicant must describe the accepted farming practices on abutting agricultural properties and explain why the proposed residential use will not force a significant change in such practices. In addition to the signed non-complaint agreement, the Review Board may consider geographic buffers between proposed dwellings and actively farmed agricultural land, such as intervening rural development, stream corridors, slope differentials, or dedicated roads as evidence towards meeting this this criterion.
- If natural hazards exist on land proposed for rezoning, the applicant has provided studies and recommendations for addressing the natural hazard identified at the pre-application conference.

SIGNATURES

Property Owner(s): _____ Date: _____

Property Owner(s): _____ Date: _____

Applicant(s): _____ Date: _____

Applicant(s): _____ Date: _____
