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BUYING RURAL PROPERTY

Many people romanticize the idea of living in the country on 10 acres with a horse, scenic views and picturesque local wildlife. But this fantasy can quickly turn into a nightmare if a property has unexpected problems, or the new property owner has to fulfill obligations or liabilities that were passed on by the previous property owner, or if soils are diseased and unable to produce a marketable crop. There are many aspects of the site that should be taken into consideration prior to buying rural property in order to protect yourself from possible issues.

Due diligence before purchase can help you have a successful experience living in rural Marion County. Understanding your goals for living in the country and being realistic about your abilities are also important for finding property that will be best suited for what you want to accomplish.

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- 2.1 Buying Property*
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BUYING PROPERTY

Do your due diligence

Buying rural land is similar to buying in the city, but with additional considerations to keep in mind. Septic, wells, soil, water, and zoning are just a few characteristics of a property that should be considered prior to purchasing. Having a comprehensive awareness of what is happening on the land can help buyers minimize their risk of future problems or unexpected surprises.

NEW TO RURAL LIVING

If you have never lived in a rural environment, consider renting a place prior to buying so that you can get a feel for what it means to live in the country: longer commutes, isolation, the surroundings, and nearby seasonal activities related to farming. A real estate agent who has a history with rural property should be knowledgeable about the many pros and

cons of living in the country. In addition, have in mind what you want to do with your property so you can be more specific in what you are looking for. Be sure to have the property inspected prior to making an offer; the house, well, septic system, irrigation system, if present, to make sure you are getting what you expect and not a liability.

SUMMER



WINTER



In rural areas the look of a property's physical characteristics can vary greatly between the summer and winter months. In the summer a property could look perfect with dry soils and good dense vegetation, but in the winter it could have large pools of standing water with vegetation looking sparse due to the lack of leaves and blooms. Altering the natural characteristics of the land can cause problems in the long or short term to the functionality of your land's or surrounding properties' natural ecology.

KEY CONSIDERATIONS

Domestic Water Supply

Where will your domestic water be coming from: a well, surface water, or municipal water? Depending on where your water is derived from you may need to research the long-term availability of the water supply. (*see Water section.*)

Water Rights

Water rights are required if you want to use water for a purpose outside of domestic use. Water rights can be difficult to acquire depending on your location within the county. (*see Water section.*)

High Water Table

Properties with a high water table make installing a septic system difficult and costly. The water table could also cause problems for a below-grade basement. Driveways may also need to be re-paved or re-graveled more frequently because of the softer soils. Having a *perk test* done to determine water's percolation rate will provide an answer to the question, "does my property have a high water table?"

Soil

The type of soil you have on your property can directly affect what you can and can not grow. Soil nutrient levels will dictate how much you may need to alter the soil in order for it to support certain crops. Soil disease and the presence of pest may need to be looked at depending on your intended use of the land. (*see Soil section.*)

Pre-existing Regulatory Obligations

The previous property owner may have committed to certain practices or programs which the new owner may be obligated to complete: forestry re-planting, government administered conservation program, or land use violations. Being unaware of these obligations may be costly.

Future Changes

The possibility of neighboring land use or activity changes should be considered before buying property. These types of changes can drastically alter the experience of a place: block views, cause noise, or odors, or change how your land functions. Like seasonal changes, rural land activities can also vary greatly over time due to ever-changing agricultural markets and land values.

Additional Resources

Field Guide to Agricultural/Farm Land

www.realtor.org/library/library/fg814

Redfin

www.redfin.com/home



BEING NEIGHBORLY

It starts with “Hello”

In the country, neighbors are few and far between, which makes developing a relationship with yours important to help prevent possible conflicts. Unfortunately, some property owners may have preconceived ideas about people who move from the city, establishing a relationship early may help to alleviate any misconceptions. Understanding what is happening on your neighbor’s property and knowing where your property ends and your neighbor’s begins are some of the first steps one should take when moving into a home in rural Marion County.

ADVICE ON BEING A GOOD NEIGHBOR

- Recognize that being a good neighbor is a two-way street.
- Respect your neighbor’s “Right to Farm.”
- Be aware of the types of activities that will be occurring on your neighbor’s property throughout the year. (*see Living Next to..*)
- Understand that livestock and farm machinery may need to use and/or share local roads or driveways.
- Pay attention to the wind when conducting certain land management activities to minimize drift or smell from burning.
- Know that actions on your property can have a negative effect on your neighbors.
- Work together to maintain fences and property boundaries so that pets, noxious weeds, runoff, or livestock are contained.
- Educate young children about property boundaries and the importance of not trespassing.
- Respect one another’s privacy and space, for it is highly prized by rural residents.



DOGS

Dogs are wonderful pets and would love to run free on a large piece of property, but allowing them to run at large could result in a civil infraction. If a dog attacks, chases, injures or kills a neighbor's animal, the owner could be charged with a civil infraction, so try to keep your pets confined to their property. Property owners do have the right to kill a dog or animal that is harassing or attacking their animals. Dogs also should be licensed and vaccinated for rabies, in addition to having a collar with their license attached. (*For more information on the county's dog laws see Marion County Statute 6.05.*)



FENCE LINES

Fences and property lines have the potential of causing conflict between neighbors while also providing an opportunity to develop a relationship by working together. It should be the responsibility of each property owner sharing a fence to maintain part of the existing fence and/or share in the cost for constructing a new fence, if necessary. If you plan on constructing a fence that fronts a public right-of-way contact Marion County Public Works prior to doing so. (*see Property Management section*)

PROPERTY LINES

The Marion County Planning Office can provide maps and descriptions of property boundaries to interested parties. Comparing these documents with what is happening on the ground and talking with neighbors prior to purchasing a home can help with property boundary discrepancies. The only way to definitively establish property lines is to have the property professionally surveyed by a private consultant.

Tips for Conflict Resolution

Be Respectful: Refrain from any negative comments or put downs.

Control your Emotions: Yelling or intimidating actions will benefit no one. Create a safe environment for dialogue.

Use a structured process for contentious topics: Limit spontaneously discussing these topics because they most likely will lead to conflict.

Understand willingly: Listen and acknowledge other perspectives.

Communicate openly and honestly: Be open and honest about your concerns while being respectful, otherwise the process will be compromised.

Put your focus on the future: Rather than focusing on the past talk about the possible future changes that can be made to solve the problem.



LAND USE

It regulates your property

Land use is synonymous with “zoning” which regulates many aspects of a piece of property. What you can build on it, if you can subdivide, permissible activities, set-backs, and building height restrictions can all be found in a property’s zoning description. County zoning laws are regulated by the Marion County Planning Department which also manages the requirements set forth by the Growth Management Act.

ZONING TYPES

The goal of zoning is to limit conflicts between adjacent property owners based on land use activities, conserve farm and forest lands and develop efficient public services and facilities. Here is a list of common zoning types in Marion County along with some of their regulatory aspects:

Exclusive Farm Use (EFU) / Special Agriculture (SA) - Large plots of land with high value soils for agriculture. Only one primary farm dwelling is allowed to house farm staff or the property owner. A land use permit can be acquired for temporarily housing farm employees or medical hardship help. New dwellings on undeveloped parcels are strictly regulated.

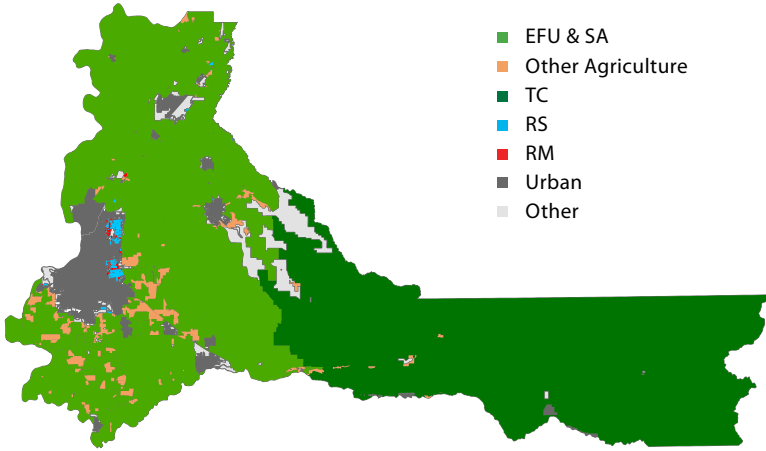
Timber Conservation (TC) - Large plots of land with soils generally suited for timber production. Residential and other more urban activities are limited to protect commercial forest uses and timber management. Management of fish and wildlife resources, and agricultural use of lower elevation areas are considered compatible activities.

Single-Family Residential (RS) - No building or structure can exceed a height of 35 feet. Minimum lot size is two acres. A dwelling or building can only occupy 30 percent of the lot area.

Multi-Family (RM) - Limited to properties inside Urban Growth Boundaries and a few rural properties where public services are available. Duplex and multiple unit residential and compatible commercial activities are allowed, subject to standards.

Commercial (C) - This zoning allows the development of office buildings, retail establishments, and other revenue generating enterprises. It is possible to have both a home and business on the same lot, though a conditional use permit is required.

ZONING MAP



GROWTH MANAGEMENT ACT (GMA)

Oregon's Growth Management Act was adopted in 1972 and is one of the nation's strongest growth management laws. The Growth Management Act is a statewide planning policy that dictates how cities and counties plan and sets what is called an urban growth boundary around urban areas. In addition, cities and counties are required to create their own comprehensive plans. The urban growth boundary is meant to cluster future

development in already established urban areas while preserving natural resource lands and open space outside of the boundary. It also required county governments to designate exclusive agricultural protection zones that are zoned Exclusive Farm Use (EFU). This act also established Oregon's nineteen planning goals. *(For more information on Oregon's nineteen statewide planning goals visit: www.oregon.gov/LCD/goals.shtml.)*

BUILDING PERMITS

The construction of any building larger than 200 square feet requires a building permit. Property owners should ask themselves these questions prior to applying for a building permit; how is the property zoned? Is the proposed building allowed in that zone? Is it a conditional use? Will it require any special review?

A building permit requires a site plan showing the tentative location of the proposed structure and the building's structural plan. Keep both the site plan and structural plans for the building on file during construction in case questions arise about properly following the approved plans.

LAND USE PERMITS

The allowable uses on a site are listed in the zoning description. Some uses are allowed, but need to meet certain criteria. Land use permits are issued based on the appropriateness of the use for the site and neighborhood along with criteria specified in the zoning code. Land use permits are required for activities or uses including certain dwellings in farm and forest zones, home occupations

and temporary dwellings for medical hardship. The county or city can place additional restrictions on the use to reduce or offset any possible impacts to adjoining or neighboring properties. A site plan is normally required for any structure involved in a land use permit. Land use criteria varies from city to city and county to county so check your local zoning code for your area's criteria.

EASEMENTS

An easement is a right to use, for a specific purpose, a particular piece of land owned by another. Most property easements are noted in the deed. It is a good idea to assess the land for any possible implied easements that may not be on the deed. Also talk with neighbors and the previous owner about possible implied easements. Easements are primarily used by the public sector for siting utility lines, pipes, or access. There are a variety of easement types with differ-

ent legal implications, that if present on a property, should be understood. Check with a title company for the presence of any easements on a specific property. If you are establishing an access easement on your property, contact Marion County Planning Division if you are uncertain about the minimum standards for private roads. *(For information on road standards visit: www.co.marion.or.us/PW/Engineering/engineeringstandards/)*

CONSERVATION EASEMENTS

Conservation Easements are voluntary easements that place additional restrictions on a property's development capabilities. These are used to protect property with important natural resources from being developed in the future. The property owner who implements the easement sets

the restrictions. These easements are managed by either a land trust or a government agency to make sure the easement is upheld in perpetuity. If interested in implementing a conservation easement on your property contact a local land trust.

Additional Resources

Marion County Rural Zoning Code

www.codepublishing.com/OR/marioncounty/

Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon

www.oregon.gov/LCD/docs/publications/introductory_guide_to_land_use_planning_in_oregon.pdf

Marion County Comprehensive Plan

www.co.marion.or.us/PW/Planning/zoning/comprehensiveplan/



LIVING NEXT TO...

Know what thy neighbor is doing

When buying land in the country individuals should research what types of activities will be occurring on neighboring properties because you may be affected in some way. Farmers rely upon their land for income and hindering them in any way could affect their way of life. Smells, noise, drift, and dust are some examples of the realities of agricultural production that you may have to tolerate. Talk with local residents to find out about the common agricultural activities that occur in the area.

NEIGHBORING IMPACTS

Be aware that actions or the lack thereof on your property can have a negative affect on your neighbors property and agricultural commodity. This can occur when you do not treat a crop for pest, or disease which then spreads to a neighbor's commercial

crop. If you are interested in growing the same crop as your neighbor, you should talk with them about their pest management strategy so that you can manage yours in a similar way.

RIGHT-TO-FARM LAW

ORS 30.930

This law protects farmers from legal action brought by individuals, local governments, and special districts, that may be intended to limit the ability to farm or conduct forest practices. The 1993 Oregon Legislature passed this law on the basis that forestry and agriculture are critical to the economic welfare of the state and

need to be protected. This protection covers all lands zoned Exclusive Farm Use (EFU) or forest use outside of the urban growth boundary. This law does not protect farmers and foresters from non-farm-generated occurrences such as: increased traffic, vandalism, litter, and even spray drift.

The following topics are protected by the right-to-farm law and should be considered prior to purchasing rural property.

NOISE

Agricultural production can be fairly noisy at times. Farmers often work from the early hours of the morning to the late hours of the night, especially during the planting season - Spring and harvesting season - late Summer. The timing of this work varies depending on the type of crop.

The schedule and operation of agricultural practices are based on external factors like weather, so they cannot be constrained to normal "work hours." Noise levels can vary greatly depending on the type of work that is being conducted.



Dust is common occurrence in rural Marion County, caused by farming activities and high winds.

“The more you know, the better you are prepared.”

SPRAY DRIFT

There is a chance that rural property owners may be affected by spray drift coming from other properties. Farmers use chemical sprays to protect their plants from disease and pests, and can be vital to the success of their crop. Applicators are required to be licensed prior to spraying. Pesticides are normally applied from the spring to the fall, with the heaviest application occurring during the spring. Spray has the ability to travel by wind - drift or by volatilization that occurs when the spray turns into a gas and becomes airborne, where it can travel for very long distances. This is important to be aware of if you have concerns with inhaling pesticides or are growing crops that are highly sensitive to chemicals. Spray drift can be minimized by following the label and using best management practices.

DUST AND POLLEN

Depending on the types of crop that are being grown and the land management practices of neighbors, there can be times when air quality is low and pollen levels are extremely high, especially compared to urban areas. Farmers tilling their fields can create large clouds of dust that can travel long distances, depending on weather conditions. Dust can also occur when fields are left bare and a wind storm occurs. High wind events are more frequent in rural areas

because of the lack of natural wind-breaks.

Pollen levels can also become extremely high in rural areas because of the concentration of pollen-producing crops grown in the county. Crops like grass seed, nursery plants and trees that are grown on a large scale will produce large volumes of pollen that can cause irritation or allergic reactions to individuals who are sensitive.

SMOKE AND ODORS

Smoke is caused by the burning of yard debris, cardboard and residual crop vegetation and is a common occurrence in rural Marion County. It is a legal and common practice for rural property owners to burn piles of vegetation that create large clouds of smoke, along with an odor that can travel for long distances.

Animal operations, more specifically AFO's and CAFO's can produce unacceptable odors and with the right wind can be smelt from long distances away. Odors can also be derived from fields that have been recently amended with manure. (*see Agriculture section.*)