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**WAIVER OF REMONSTRANCE
Regarding Forest Uses**

Owner(s) _____, own certain real property located in Josephine County, Oregon. The address for the property is _____, and the Assessor's legal description is T___, R___, Sec___-___, Tax Lot (s) _____. A metes and bounds legal description is attached as Exhibit A.

Owner(s) have applied for a forest use on the property described above. As a condition of approval for this use, the Josephine County Code (JCC) requires a written and recorded statement acknowledging the right of neighboring landowners to conduct forest operations on their properties as authorized by the Oregon Forest Practices Act. In addition, the JCC provides that conflict between authorized forest practices and residential uses will be resolved in favor of the forest practices. The JCC states:

The Forest Commercial [or Woodlot Resource] zone is intended to facilitate the right to conduct forest practices consistent with the Forest Practices Act and to encourage and promote the development and conservation of natural resources. Normal forest management, mining, or agricultural practices shall not be considered a nuisance condition in a Forest Commercial [or Woodlot Resource] zone, provided that such actions are consistent with the standards of the Oregon Forest Practices Act and do not extend beyond the boundaries of the Forest Commercial [or Woodlot Resource] zone. Nothing in this regulation is intended to interfere with normal forestry or agricultural practices that might result in conditions such as noise, dust or odor. Residents of this zone must recognize that the intent of the zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this Code will be interpreted in favor of the resource management practice. [Chapter 19.65.010 and 19.65.110].

Also, ORS 215.293 requires landowners who obtain an approval for a single-family dwelling within a farm or forest zone to sign and record a document that prohibits the landowners and their successors 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 30.336 or 30.337 (actions for nuisance or trespass are prohibited unless it results in damage to commercial agricultural products or death or serious physical injury).

Based upon the foregoing requirements, owners hereby acknowledge that the described forest use is subordinate to present and future forest, farm and mining practices on neighboring lands as may be authorized pursuant to the Oregon Forest Practices Act. Further, owners waive, on their behalf and on behalf of their successors in interest, the right to legally remonstrate, oppose or appeal authorized farm and forest practices. Owners acknowledge these practices may involve the application of herbicides or fertilizers, including aerial or ground spraying, road construction, changes in view, noise, dust, traffic and other impacts. This waiver, however, shall not prevent owners or their heirs, assigns or purchasers from expressing personal views during land use or forest practices permit review proceedings regarding such operations.

Owner(s):

Josephine County

Community Development Director

STATE OF OREGON }
County of Josephine }ss.

On this _____ day of _____, 20_____, _____, personally appeared before me, a Notary public in and for the aforementioned state and county, and executed the foregoing *Waiver of Remonstrance Regarding Forest Uses* and acknowledged to me that it was freely and voluntarily done.

Notary Public, State of Oregon
My commission expires: _____