



**Planning and Zoning**  
**Department of Transportation and Development**  
 Development Services Building  
 150 Beaver Creek Road | Oregon City, OR 97045  
 503-742-4500 | zoninginfo@clackamas.us  
 www.clackamas.us/planning

<b>STAFF USE ONLY</b>	
Staff Initials:	File Number:

Land use application for:

# DWELLING IN CONJUNCTION WITH A FARM USE

On High or Low Value Farmland in AG/F or EFU Districts

**Application Fee: \$960**

APPLICANT INFORMATION			
Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal:

SITE INFORMATION		
Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #:	Land area:	
<i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		
<i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		
<i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		
Adjacent properties under same ownership:		
<i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		
<i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		

Printed names of all property owners:	Signatures of all property owners:	Date(s):

<b><i>I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.</i></b>	
Applicant signature:	Date:

## A. Review applicable land use rules:

This application is subject to the provisions of [Section 401, Exclusive Farm Use District \(EFU\)](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO) if the subject property is zoned EFU, or to the provisions of [Section 407, AG/Forest District \(AG/F\)](#) and the provisions of Section 401 cited in Section 407 if the subject property is zoned AG/F. It is also subject to the ZDO's definitions, procedures, and other general provisions outlined in the ZDO.

If the subject property is zoned AG/F, the property must have been predominantly agriculture on January 1, 1993, to qualify for this permit.

## B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is **\$960**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
  - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
  - Contiguous properties under the same ownership;
  - All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
  - Setbacks of all structures from lot lines and easements;
  - Location of all *current* farm uses (e.g., fields, grazing areas, orchards), and location of all former farm uses that you are demonstrating income from in this application, with dimensions and with labels distinguishing between current and former farm use areas;
  - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
  - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Farm land value information:** Provide information, such as a soils map, identifying the soil types of the subject property and identifying whether the subject property is predominantly High Value Farm Land or Low Value Farm Land, as defined in ORS 215.710 and OAR 660-033-0020(8). Soils information can be obtained from Planning and Zoning.
- Evidence of earnings:** Include tax forms, farm receipts, or other appropriate documentation demonstrating that \$80,000 in gross annual income for High Value Farm Land, or \$40,000 in gross annual income for Low Value Farm Land, was earned from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years. The documentation may include completed IRS "Schedule F" forms and signed statements from certified accountants, but the documentation *must* show all of the following for each relevant year: what farm uses generated the income being claimed; where the farm uses occurred; who conducted the farm uses that generated the income; who purchased the farm products; how much in gross annual income was made from the farm uses; and, if the farm uses include the sale of livestock, the cost of purchased livestock (i.e., the original cost to purchase the livestock, before being resold).

- Lot of record creation information:** You must provide proof (deed records, Planning and Zoning research records, etc.) that the proposed dwelling will be sited on a lot that was lawfully created.
- Evidence of agricultural use:** If the subject property is zoned AG/F, include evidence, such as dated aerial photos and tax records, demonstrating that the property was predominantly agriculture on January 1, 1993.

**C. Answer the following questions:**

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. Describe the farm uses the subject tract is *currently* employed in (a “tract” is one or more contiguous lots of record under the same ownership). Be sure to identify the types of any crops and livestock currently being farmed on the tract:

2. The subject tract must currently be employed for the farm use on which the farm operator earned a certain amount in gross annual income (\$80,000 for High Value Farm Land or \$40,000 for Low Value Farm Land) from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years.

What is the name of the farm operator who earned this income?

Name of farm operator: \_\_\_\_\_

3. Is there already a dwelling on the farm or ranch operation that is the subject of this application?

- NO
- YES, but the only other dwelling(s) on the subject farm or ranch operation is/are seasonal farmworker housing approved prior to 2001, as shown in attached documentation.

4. Does the farm or ranch operator named in response to Question 2 own lands (other than the subject property) that are designated for exclusive farm use or for mixed farm/forest use *and* that already have a dwelling?
- NO
  - YES, but the only other dwelling(s) on that other land is/are seasonal farmworker housing approved prior to 2001, as shown in attached documentation.

5. This application requires you to demonstrate that a certain amount of income was earned from the sale of qualifying farm products in one of three specific time periods.

As noted previously, for High Value Farm Land, at least \$80,000 in gross annual income needs to have been earned from the subject tract from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; for Low Value Farm Land, at least \$40,000 in gross annual income needs to have been earned from the subject tract from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years.

Are you claiming (with attached financial records) that you meet the income requirement based on: each of the last two years; three of the last five years; or an average of three of the last five years?

**Each of the last two years:**

Year one start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Year two start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Three of the last five years:**

Year one start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Year two start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Year three start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**An average of three of the last five years:**

Year one start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Year two start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Year three start date (mm/dd/yyyy): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

6. Complete the table below considering the years you listed in response to Question 5:

Year One	
Type(s) of farm product(s) from the subject tract that were sold in the year:	
Gross income from those sales for the year (only count gross income from land owned, not leased or rented):	
If claimed farm products include livestock, the total cost to purchase the livestock that were sold:	
Name(s) of person/persons who produced the commodities which earned the income:	
Year Two	
Type(s) of farm product(s) from the subject tract that were sold in the year:	
Gross income from those sales for the year (only count gross income from land owned, not leased or rented):	
If claimed farm products include livestock, the total cost to purchase the livestock that were sold:	
Name(s) of person/persons who produced the commodities which earned the income:	
Year Three (if applicable)	
Type(s) of farm product(s) from the subject tract that were sold in the year:	
Gross income from those sales for the year (only count gross income from land owned, not leased or rented):	
If claimed farm products include livestock, the total cost to purchase the livestock that were sold:	
Name(s) of person/persons who produced the commodities which earned the income:	

7. Gross farm income earned from a lot of record which has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may *not* be used to qualify for another primary farm dwelling.

Was any of the income claimed in response to Question 6 used previously to qualify another lot of record for the construction or siting of a primary farm dwelling?

- NO
- YES, as explained in the box below:

8. The dwelling must be occupied by a person or persons who produced the commodities which generated the income from farm uses. Will the dwelling be occupied by a person or persons who produced the commodities which generated the income claimed in response to Question 6?

- NO
- YES, and the name(s) of the person or persons who both produced the commodities *and* will occupy the dwelling are listed in the box below:

## **D. Understand the following conditions:**

The permit, if approved, will be subject to these (and other) conditions:

1. The permit approval may not be transferred to a new owner. The building permit will only be issued to the owner of the property who produced the commodities which generated the income used to qualify for this application.
2. The landowner for the dwelling shall 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 and forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
3. An irrevocable deed restriction shall be recorded with County Clerk's Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, temporary hardship dwellings or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used again to qualify for any other parcel or primary farm dwelling.

## FAQs

### **When is a Dwelling in Conjunction with a Farm Use permit required?**

The County's Zoning and Development Ordinance (ZDO) allows a single-family dwelling to be constructed on agricultural land when the land is currently being farmed and when a certain amount of income has been generated from the sale of crops and livestock grown/raised on the property in specific time periods, if approval criteria can be met. Qualifying agricultural land includes land zoned Exclusive Farm Use (EFU) and land zoned AG/Forest (AG/F) if the AG/F land was predominantly agriculture on January 1, 1993. The dwelling requires a Dwelling in Conjunction with a Farm Use land use permit.

### **Does income from the sale of marijuana count?**

No. Income from the sale of marijuana produced on the subject property cannot be included as part of the gross earnings from farm uses used to qualify for this permit.

### **What is the permit application process?**

Dwelling in Conjunction with a Farm Use permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

### **What is needed for the County to approve a land use permit?**

Dwellings in conjunction with a farm use are discretionary and *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

### **How long will it take the County to make a decision about an application?**

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

### **If an application is submitted and then withdrawn, will a refund be given?**

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee will be refunded. No refund will be given after a decision is issued.

### **Who can help answer additional questions?**

For questions about the County's land use permit requirements and this application form, contact the Planning and Zoning at **503-742-4500** or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us). You can also find information online at the Planning and Zoning website: [www.clackamas.us/planning](http://www.clackamas.us/planning).

*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or [drenhard@clackamas.us](mailto:drenhard@clackamas.us).*

**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?  
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?