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

STAFF USE ONLY

Staff Initials: *File Number:*

Land use application for:

ACCESSORY DWELLING IN CONJUNCTION WITH FARM USE

In AG/F or EFU Districts

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 #: *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____		Land area:
Adjacent properties under same ownership: *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____		

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

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.

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: Refer to the FAQs at the end of this form and to the adopted *Fee Schedule* for applicable fees and refund policies.** 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.

☐ **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 that comprise the farm unit;
- 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 commercial farm uses (e.g., fields, grazing areas, orchards), with dimensions and labels;
- 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.

☐ **Lot of record creation information:** Provide evidence (deed records, Planning and Zoning research records, etc.) that the lot on which the accessory dwelling will be sited was lawfully created.

☐ **Evidence of earnings:** Include tax forms, farm receipts, or other appropriate documentation demonstrating the income produced from the farm operation. 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).

☐ **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. What tax lots comprise the *farm unit* on which the accessory dwelling will be sited? ("Farm unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.)

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

Township: _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____

2. Describe the farm uses on the farm unit, including the type and amount of crops grown, livestock raised, and farm products produced:

3. What is the name of the farm operator? (The "farm operator" is the person who resides on and actively manages the farm unit.)

Farm operator's name: _____

4. In the table below, list the full names of everyone who will occupy the proposed accessory farm dwelling. Identify which occupants will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use is or will be required by the farm operator on the farm unit. Also identify whether the occupants are immediate family of another occupant:

Name of Accessory Farm Dwelling Occupant	**Principally engaged in land's farm use, with management assistance needed?** (YES or NO)	**Immediate Family of Another Occupant?** (YES or NO. If YES, state the other occupant's name and the relation to that other occupant, such as "parent", "sister", or "first cousin".)

5. The proposed accessory farm dwelling *cannot* be occupied by a spouse, ancestor, lineal descendant, or whole or half sibling of the operator or owner of the accessory farm dwelling. Are any of the individuals named in response to Question 4 a spouse, ancestor, lineal descendant, or whole or half sibling of the operator or owner of the proposed accessory farm dwelling?

☐ NO ☐ YES

6. Explain all of the following:

- How *each* of the proposed accessory farm dwelling occupants named in response to Question 4 will be principally engaged in the farm use of the land;
- How each proposed occupant will be assisting in the management of the farm use, such as planting, harvesting, marketing or caring for livestock;
- The time(s) of year they will provide that assistance (e.g., year-round or seasonal); and
- How their assistance is or will be *required* by the farm operator on the farm unit.

7. What type of dwelling will the accessory farm dwelling be?

☐ **A manufactured dwelling**

☐ **An attached multi-unit residential structure** allowed by the applicable state building code or similar types of farmworker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750, as described in the box below:

☐ **Another type of dwelling**, as described in the box below:

8. Are there any other dwellings on lands designated for exclusive farm use owned by the farm operator that are vacant or currently occupied by persons *not* working on the subject farm or ranch?

☐ NO

☐ YES, but they cannot reasonably be used as an accessory farm dwelling for the following reasons:

9. If any multi-unit accessory dwellings are proposed, explain how such dwellings will be consistent with the intent of the Legislative Assembly as provided in ORS 215.243:

10. Is the primary farm dwelling to which the proposed dwelling would be accessory on Low Value Farmland or High Value Farmland, as shown in attached soil records?

☐ **Low Value Farmland**, and records are attached showing that the primary farm dwelling is located on a farm operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned, 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 lower of the following: at least $40,000 in gross annual income from the sale of farm products; or gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with the gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon

☐ **High Value Farmland**, and records are attached showing that the primary farm dwelling is located on a farm operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least $80,000 in gross annual income 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

(*Note: In determining the "gross annual income" for either of the above responses, the cost of purchased livestock must be deducted from the total gross income attributed to the farm operation.*)

D. Understand the following conditions:

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

1. Any proposed land division or property line adjustment of a lot of record for an accessory farm dwelling approved pursuant to ZDO Subsection 401.05(C)(13) shall not be approved. If it is determined that an accessory farm dwelling satisfies the requirements for a dwelling in conjunction with a farm use under Subsection 401.05(C)(6) or (7), a parcel may be created consistent with the minimum parcel size requirements in Subsection 401.07(A).

2. An accessory farm dwelling approved pursuant to ZDO Subsection 401.05(C)(13) shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 401.05(C)(11).

FAQs

When is an Accessory Dwelling in Conjunction with Farm Use permit required?
The County's Zoning and Development Ordinance (ZDO) allows for a dwelling that is accessory to another existing dwelling on a commercial farm on qualifying agricultural land, when: that existing dwelling already houses the farm's operator; the farm operator needs assistance managing and operating the farm; *and* the accessory dwelling will be occupied by a nonrelative of the operator or owner of the farmworker housing who will be principally engaged in the farm use of the land. Qualifying agricultural land includes land zoned Exclusive Farm Use (EFU) and land zoned 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 an Accessory Dwelling in Conjunction with Farm Use land use permit.

What is the permit application process?
Accessory Dwelling in Conjunction with 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?
Accessory Dwelling in Conjunction with Farm Use permits 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?
Please see Planning & Zoning Fee Schedule under "Other Fees" here. The $5 Technology Fee is non-refundable.

Who can help answer additional questions?
For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: 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.

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?