



SUPPLEMENTAL APPLICATION
Nonfarm Dwelling Permit
(August 2018)

APPLICANT INFORMATION

Name _____ File # _____

Date _____

What is a nonfarm dwelling permit?

The County Zoning & Development Ordinance (ZDO) allows a single-family residential dwelling to be constructed not in conjunction with a farm use if specific approval criteria can be met. A Nonfarm Dwelling is a residence that may be allowed in an Agricultural or Agricultural/Forest Zoning District on lands that are generally unsuitable for farm uses.

What is needed for approval?

Nonfarm dwellings MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the Nonfarm dwelling request according to the criteria in Section 401 of the ZDO.

What are the chances for approval?

Staff cannot predetermine the decision of this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ZDO. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

Application process:

Nonfarm dwelling permits are subject to the Administrative Action process and public notice. Public comments received from the Community Planning Organizations (CPO), property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

How long will it take to get a final decision on this application?

Approximately 6 to 8 weeks, or 150 days if the initial decision is appealed.

Complete applications require the following:

1. Land Use Application Form - Information on applicant and land involved in the application.
2. Application Fee: _____ (*Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.*)
3. Plot Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and your proposal (buildings, driveway, etc.).

4. Supplemental Application: Submit the following information to address the Nonfarm Dwelling criteria:
 - A. Describe how the dwelling or activities associated with the dwelling will not force a significant change in or increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
 - B. Proof that the dwelling will be sited on a parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. (*Soils information can be obtained from the Clackamas County Planning Department*)
 - C. Proof that the dwelling will be sited on a parcel which was lawfully created before January 1, 1993 (Deeds, County Planning Department research, etc.).
 - D. Describe how the dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated must be identified. To address this standard you must:
 - 1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
 - 2) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.) and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;
 - 3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
 - E. Condition of Approval - If the above application is approved, prior to issuance of any building or septic permits, the entire subject property must be disqualified from receiving any farm or forest tax deferral and any back taxes must be paid. Contact the Clackamas County Assessor (655-8671) for information regarding tax deferrals and potential back taxes.

Staff will attach the following pertinent information:

_____ Land Use Application _____ CPO Information _____ ZDO Section 401
 _____ Sample Plot Plan _____ Application Process

Questions: Contact Alex Pichacz, Planner I at 503-742-4510 or APichacz@clackamas.us.