



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**

Land use application for:

**DWELLING NOT IN CONJUNCTION  
WITH A FARM USE  
In AG/F or EFU Districts**

Application Fee: \$1,721

Staff Initials:

File Number:

**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:
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**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>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>		
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 **\$1,721**. 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;
  - 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).
- ☐ **Soils information:** You must provide proof that the proposed dwelling will be sited on a lot of record 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 Planning and Zoning.
- ☐ **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 before January 1, 1993.
- ☐ **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. Respond in a narrative and with maps:

The County must consider the *cumulative impact* of possible new nonfarm dwellings and parcels on other lots of record in the area similarly situated. To address this requirement, you must include a narrative and maps that do the following:

1. Identify a study area for the County's cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a "distinct agricultural area" based on topography, soils types, land use pattern, or the type of farm operations or practices that distinguish it from other adjacent agricultural areas. Describe the study area, its boundaries, and the location of the subject parcel within this area, and explain why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area.
2. Identify within the study area the broad types of farm uses (irrigated or nonirrigated 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 under ZDO Subsections 401.05(C)(3) through (5) and (11), 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). Determine 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 dwelling(s).
3. Explain how approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will not 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 the existing types of farms in the area to continue operation due to diminished 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.
4. Explain how the dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

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

The permit, if approved, will require that, prior to issuance of a building or manufactured dwelling permit, the applicant:

- Notify the County Assessor that the lot of record is no longer being used for farmland;
- Request the County Assessor to disqualify the lot of record for special assessment under ORS 308.370, 308.765, 321.257 to 321.381, 321.730 or 321.815; and
- Pay any additional tax imposed upon disqualification from special assessment.

Furthermore, a lot of record that has been disqualified pursuant to ZDO Subsection 401.05(C)(11)(f) shall not requalify for special assessment unless, when combined with another contiguous lot of record, it constitutes a qualifying parcel.

## FAQs

### When is a Dwelling Not 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, despite not being in conjunction with a farm use, if the lot 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 and if other specific 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 Not in Conjunction with a Farm Use land use permit.

### What is the permit application process?

Dwelling Not 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 not 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, or the fee paid minus \$250, whichever is less, 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 paid, or the fee paid minus \$500, whichever is less, will be refunded. No refund will be given after a decision is issued. 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](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?