

LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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CONDITIONAL USE  
CLASS IV OR WORSE (NON-FARM) DWELLINGS  
Application Fee \$1500.00

Application Check List (for department use)

- A. Complete application\_\_\_\_\_Site plan\_\_\_\_\_Ownership\_\_\_\_\_
  - B. Environmental health division approval
    - 1. Existing system has been checked\_\_\_\_\_
    - 2. New site has been approved\_\_\_\_\_
    - 3. New site has been requested but not reviewed\_\_\_\_\_
  - C. Property development standards can be met:
    - 1. Width\_\_\_\_\_Depth\_\_\_\_\_Frontage\_\_\_\_\_Coverage\_\_\_\_\_Setbacks\_\_\_\_\_
    - 2. Legal lot\_\_\_\_\_Area\_\_\_\_\_
  - D. Proposal is located within:
    - 1. UGB\_\_\_\_\_Planning area\_\_\_\_\_Greenway\_\_\_\_\_A.O. Zone\_\_\_\_\_
    - 2. S.B.H.O.\_\_\_\_\_Habitat\_\_\_\_\_Floodplain\_\_\_\_\_Historic\_\_\_\_\_
  - E. Application accepted by:\_\_\_\_\_Date\_\_\_\_\_Receipt No.\_\_\_\_\_
- Refer to: Staff\_\_\_\_\_P.C.\_\_\_\_\_

I. Background Information (to be completed by applicant)

- A. Applicant's name\_\_\_\_\_
- Address\_\_\_\_\_
- City\_\_\_\_\_State\_\_\_\_\_Zip Code\_\_\_\_\_
- Phone number (home)\_\_\_\_\_ (work)\_\_\_\_\_
- B. Property owner (if different than applicant)\_\_\_\_\_
- Address\_\_\_\_\_
- City\_\_\_\_\_State\_\_\_\_\_Zip Code\_\_\_\_\_
- Phone number (home)\_\_\_\_\_ (work)\_\_\_\_\_
- C. Applicant's representative (if any)\_\_\_\_\_
- Address\_\_\_\_\_
- City\_\_\_\_\_State\_\_\_\_\_Zip Code\_\_\_\_\_
- Phone number (home)\_\_\_\_\_ (work)\_\_\_\_\_
- D. Legal description of property
- Township\_\_\_\_\_Range\_\_\_\_\_Section\_\_\_\_\_Tax Lot(s)\_\_\_\_\_
- Site Address (if any)\_\_\_\_\_

E. Zoning designation \_\_\_\_\_ Comp Plan \_\_\_\_\_

F. Size of current parcel \_\_\_\_\_

G. Additional parcels in contiguous ownership:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

H. What fire protection district protects the parcel?  
Rural Fire District \_\_\_\_\_

I. Before the application can be reviewed, an on-site sewage disposal system must be approved for use on the parcel. Contact the Linn County Environmental Health Division to obtain an application (967-3821). Attach a copy of the environmental health division's approval letter.

II. Verification of Ownership

If the person submitting the application and the owner of the property are not the same, then only the owner of the property should complete this section.

A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property: owner of record\_\_\_\_\_, land sales contract purchaser\_\_\_\_\_, holder of a recorded exclusive option to purchase\_\_\_\_\_.

Owner/applicant signature \_\_\_\_\_

Owner/applicant signature \_\_\_\_\_

III. Please answer the following questions, which are based upon the decision criteria. It is necessary for you, the applicant, to respond to these issues. **Oregon law requires that if a non-farm dwelling is approved, then the parcel must be disqualified from special assessment (farm or forest use tax valuation). A parcel, which is disqualified from farm use valuation, cannot be qualified again unless it becomes part of a larger farm unit (ORS 215.236).**

A. How is the property now used?

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B. List any structural or physical improvements on the site including buildings, wells, drainages and fencing:

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C. In as much detail as possible, describe the surrounding land uses to the north, south, east and west:

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D. What type of access does the property have?

County road name \_\_\_\_\_

Public road name \_\_\_\_\_

State highway \_\_\_\_\_

Easement (attach copy of easement)

E. Describe natural features such as streams, terrain, slope and natural vegetation on the property.

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F. Is the land involved in this request on farm deferral? You can determine this by contacting the Linn County Assessor's office (967-3808).

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G. Describe in detail your development plans for the property. Include a description of any planned structures, roadways or other improvements.

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H. You must submit a site plan (drawing) that shows the property dimensions, location of any existing structures, the proposed location of new structures and any natural features such as hills, drainage ways and streams and natural vegetation. An example is attached (or see plot plan webpage).

IV. Decision Criteria

A. Describe any surrounding farm or forest practices. Will the residence be susceptible to noise, dust, odors, smoke and application of pesticides or herbicides generated from nearby farm or forest practices? Will your proposed residence be compatible with surrounding farm and forest activities? Explain the reasons for your answer. Are there barriers or distance between your property and farm or forest operations?

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- B. Describe 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.

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- C. On separate paper, describe how the dwelling will not materially alter the stability of the overall land use pattern of the area.

- (1) In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the hearing authority shall consider the cumulative impact of possible new non-farm dwellings and parcels on other authorized units of land in the area similarly situated.
- (2) To address this standard, the hearing authority shall:
  - (a) Identify a study area for the cumulative impacts analysis.
    - (I) 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.
    - (II) Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area.
  - (b) 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, non-farm, hardship, etc.), and the dwelling development trends since 1993, and determine the potential number of non-farm dwellings and pre-85 dwellings that could be approved under LCC 933.706 and 933.707 and LCC 933.500, including identification of predominant soil classifications, the authorized units of land created prior to January 1, 1993 and the units larger than the minimum property size that may be divided to create new units for non-farm dwellings under LCC 933.510.
  - (c) Make findings that describe:
    - (I) the study area;
    - (II) its boundaries;
    - (III) the location of the subject authorized unit of land within this area;
    - (IV) why the selected area is representative of the land use pattern surrounding the subject unit and is adequate to conduct the analysis required by this standard;
    - (V) 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 non-farm dwellings under this subparagraph; and
- (VI) whether approval of the proposed non-farm dwellings and pre-85 dwellings together with existing non-farm 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 non-farm 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.

D. Does the development site have the physical characteristics needed to support the use? Those characteristics include, but are not limited to, suitability for a sewage treatment system and an adequate supply of potable water.

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E. Will the development be located within a mapped geologic hazard or within a 100-year floodplain?

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F. Will the proposed property have a significant adverse impact on sensitive fish or wildlife habitat?

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V. Applicant's Certification

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

Insert sample plot plan here (see sample plot plan file on Planning & Building website)