



Conditional Use Permit (NonFarm Dwelling)

A dwelling not in conjunction with farm use may be allowed as a conditional use in the Exclusive Farm Use (EFU) zone, subject to applicable standards from Section 7.40(D) of the Hood River County Zoning Ordinance and applicable portions of Oregon Administrative Rule 660-033-0130(4)(c) and (30). For a complete application explain how your proposal complies with all of the following applicable criteria:

1. 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;
2. The dwelling is situated upon a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is unsuitable for other farm uses;
3. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. The lot or parcel is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If the lot or parcel can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." The lot or parcel is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year;
4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated; To address this standard, Oregon Administrative Rule 660-033-0130(4)(c)(C) requires that the county:
 - (i) Identify a study area for the 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, 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;
 - (ii) 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 under subsections (3)(a), (3)(d) and section (4) of this rule, 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;

(iii) 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 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;

5. There is no other dwelling on the parcel;
6. Subject to Section 7.60, and Article 50 (*Buffer Requirements*), including a deed notification, and with other applicable requirements of the Comprehensive Plan; and
7. The site is suitable for a residential use.

Section 60.10 – Burden of Proof:

1. Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.
2. The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.
3. The proposed action is in compliance with the Comprehensive Plan.
4. The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:
 - A. The characteristics of the various areas of the County.
 - B. The suitability of the subject area for the type of development in question.
 - C. Trends in land development.
 - D. Density of development.
 - E. Property values.
 - F. The needs of economic enterprises in the future development of the County.
 - G. Access.
 - H. Natural resources.
 - I. Public need for healthful, safe and aesthetic surroundings and conditions.