

Information regarding a Non-farm Dwelling

- This use is only allowed on agricultural parcels, not forest parcels. This means the majority of the soils for the parcel must be crop or range soils.
- The parcel subject to the application must be a legally created parcel.
- This application is for new dwellings, not existing dwellings.
- If the non-farm dwelling is approved, the parcel is taken out of all farm or forest special assessments for taxes and the property owner may also need to pay back taxes. If you have questions regarding this please contact the Tax Assessor, Cody Vavra cvavra@union-county.org

Information necessary to include with an application for a Non-farm Dwelling (Subsection 02.10) For

the non-farm dwelling, you will need to include the following as an attachment to the application:

- 1) Write an explanation how 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) Write an explanation how the parcel that you want to site the dwelling on is unsuitable for the production of farm crops and livestock or merchantable tree species. Part of the consideration can be the terrain, adverse soil or land conditions, drainage and flooding, vegetation, or location and size of the tract. Some items to keep in mind while outlining the reasons why you consider the land unsuitable
 - A. A lot or parcel or portion of 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
 - B. A lot or parcel or portion of 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 or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable".
 - C. A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Eastern Oregon, it is composed predominantly of Class I-VI soils.
 - D. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use
- 3) You will need to provide an assessment on how the proposed 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, you will need to include the cumulative impact of nonfarm dwellings on other lots or parcels in the area by applying the standards set forth below.
 - A. You will need to analyze the following:
 - a. Identify a study area of at least 2000 acres. It may be 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.
 - b. You will need to:
 - i. describe the study area, its boundaries, the location of the subject parcel within this area,
 - ii. describe 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]

 - i. identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands);

- iii. identify the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.);
- iv. explain the dwelling development trends since 1993;
- v. determine the potential number of nonfarm/lot-of-record dwellings that could be approved as nonfarm dwellings, 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);
- vi. 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.

Why this analysis is necessary.

The ultimate goal is to determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. Will the stability of the land use pattern be materially altered if the cumulative effect of existing and potential nonfarm dwellings 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 will it diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

ALSO, provide a response to these if applicable.

A non-farm dwelling sited on a parcel created after January 1, 1993, as allowed in ORS 215.263(5), is subject to the following requirements:

- A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farm or forest practices on nearby lands devoted to farm or forest use.
- B. No final approval of a non-farm dwelling shall be given unless any additional taxes imposed upon the change in use have been paid.
- C. If a single-family dwelling is established on a lot or parcel as set forth in ORS 215.705 to 215.750, no additional dwelling may later be sited as a non-farm dwelling.
- D. The dwelling will not materially alter the stability of the overall land use pattern of the area.
- E. The non-farm dwelling complies with such other conditions as the governing body or its designee considers necessary.