



# Klamath County Planning Department

Klamath County Government Center - 305 Main Street, Klamath Falls, Oregon 97601  
Phone 1-541-883-5121 Toll Free in Oregon 1-800-426-9763 Fax 1-541-885-3644

## Conditional Use Permit - Accessory Farm Dwelling Application

### Submittal Requirements (Please include the following with the application and the application fee.)

- \_\_\_\_\_ 1. Land Use Application Form
- \_\_\_\_\_ 2. Written Statement of Proposal indicating what you are proposing with this application.
- \_\_\_\_\_ 3. Burden of Proof
- \_\_\_\_\_ 4. Proof of Ownership (current deed)
- \_\_\_\_\_ 5. Power of Attorney or Agent for Owner Authorization Form  
(if someone other than the property owner is signing the application form)
- \_\_\_\_\_ 6. Proof of Lawful Creation  
(copy of all deeds for the property from April 23, 1979 through current deed,  
or land partition number, or legal subdivision lot number if applicable)
- \_\_\_\_\_ 7. Proof of Legal Access to the property from a Public Road  
(if the property is not on a public road, provide all recorded easements)
- \_\_\_\_\_ 8. Site Plan including the following:
  - \_\_\_\_\_ a. Street address *and/or* assessor's map & tax lot number of subject property.
  - \_\_\_\_\_ b. Dimensions of property, scale and north arrow.
  - \_\_\_\_\_ c. Location, name, width and surface type of adjacent streets.
  - \_\_\_\_\_ d. Location, dimensions and surface type of existing or proposed driveways or parking areas; indicate vehicular circulation pattern.
  - \_\_\_\_\_ e. Location, dimensions (including height), and use or occupancy of all existing and proposed structures on the property, including accessory structures, decks, balconies and other structural elements.
  - \_\_\_\_\_ f. Distance from property lines to existing and proposed structures, septic tanks, drain lines and wells (including adjacent property).
  - \_\_\_\_\_ g. Location of water and drainage features and the flow direction of any ponds, channels, creeks, swales or other drainage facilities affecting the proposed use.
  - \_\_\_\_\_ h. Location, type and dimensions of proposed on-site sewage disposal and water supply, if any.
  - \_\_\_\_\_ i. Location and descriptions of any topographic or developed features on the site.
  - \_\_\_\_\_ j. Location and dimensions of all easements.
  - \_\_\_\_\_ k. Signature of Property Owner or Authorized Agent
  - \_\_\_\_\_ l. Other appropriate information that may affect development of this property.



*Klamath County Planning Dept.* **Land Use Application Form**

**Conditional Use Permit - Accessory Farm Dwelling**

Filing Fee: \_\_\_\_\_

File No. \_\_\_\_\_

**Applicant**

Name: \_\_\_\_\_ Phone#1 \_\_\_\_\_

Address: \_\_\_\_\_ Phone #2 \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Property Owner (if different than above)**

Name: \_\_\_\_\_ Phone#1 \_\_\_\_\_

Address: \_\_\_\_\_ Phone #2 \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Property Description**

Assessor's Map & Tax Lot Number:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Street Address: \_\_\_\_\_

Acreage \_\_\_\_\_ Zoning \_\_\_\_\_

Current use(s) of the property \_\_\_\_\_

List all adjoining properties under the same ownership:

\_\_\_\_\_  
\_\_\_\_\_

**Signatures**

I hereby certify that I am the legal owner(s), or authorized agent for the owner(s), of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested land use permit will not violate any deed restrictions attached to the property.

\_\_\_\_\_  
Owner/Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Owner/Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

**If an Agent is acting on behalf of the Legal Property Owner, a notarized AGENT FOR OWNER AUTHORIZATION FORM must be submitted with this application.**

## BURDEN OF PROOF STATEMENT

In order to be granted approval, it is the applicant's responsibility to demonstrate that the following criteria have been met. Please attach additional sheets entitled **Burden of Proof** with each of the following sections listed and showing that the requirements are met.

### **Article 54.060(C) – Accessory Farm Dwellings**

1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, and whose seasonal or year-round assistance in the management of the farm (e.g. planting, harvesting, marketing or caring for livestock) and consequent residence on the property is or will be required by the farm operator (the farm operator is the person who does the work and makes the day to day decisions).
2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator, that is vacant or currently occupied by persons not working on the subject farm or ranch, and that could reasonably be used as an accessory farm dwelling.
3. The proposed accessory dwelling will be located either:
  - a. On the same parcel as the primary farm dwelling (i.e. the farm operator's dwelling); or
  - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
  - c. On a lot or parcel in the same tract, but other than the lot or parcel on which the primary farm dwelling is located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the County Clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules.
4. Except as provided in part 6 of this subsection, the tract on which the accessory farm dwelling and primary farm dwelling are to be located passes the income test as described in 54.060(B)(5)(b). (See income test below)
5. The lot or parcel which the accessory farm dwelling will be placed shall be at least 20 acres in size.
6. An accessory farm dwelling for a farm operator's relative, shall be reviewed according to the Type I review procedure and does not need to meet the income test described in part 4 of this subsection.

### **54.060(B)(5)**

b. INCOME TEST. A farm passes the income test if either (1-2):

- 1) The tract which includes the farm *is not* high-value farmland, and the farm produced in the last two years or three of the last five years at least \$40,000 in gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.

- 2) The tract which includes the farm *is* high-value farmland, and the farm produced in the last two years or three of the last five years at least \$80,000 of gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.
- 3) The following (i-ii) apply to both 1 & 2 (income test for high value and non-high value farm land) of this subsection:
  - i) Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling shall not be used. In determining income requirements, lots or parcels zoned for farm use in the same county and contiguous counties may be used.
  - ii) Pursuant to OAR 660-033-0135, for all contiguous and non-contiguous lots or parcels used to comply with the gross farm income requirements, the covenants, conditions & restrictions form adopted as "FMD Exhibit A" must be recorded with the county clerk of the county or counties those lots/parcels are located in. This must be done prior to the final approval of the farm dwelling.