



# 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

## **CUP Application for Farm Management Dwelling in the EFU Zone**

### **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 - Farm Management 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 the following statements and your responses.

### **Article 54.050 - General Review Criteria for EFU Zone Dwellings**

- A. Provide proof that the lot or parcel upon which the dwelling will be placed was legally created. (Submit a copy of all deeds for the property from April 23, 1979 through current deed.)
- B. Explain how the proposed dwelling site will be adequately served by road access and recorded easements, water, utilities, and fire protection. Will the proposed dwelling cause any of these facilities or services to exceed existing capacities?
- C. Explain how approval of the dwelling will not create conditions or circumstances that would interfere with farming activities.
- D. Explain how the dwelling and its placement are in conformance with all required standards and criteria of the County code. (For example: structural setbacks to property lines or special standards that may apply in significant resource areas as defined in the Land Development Code.)
- E. Explain how the addition of this dwelling will not affect the stability of the overall agricultural land use pattern, when considering the cumulative impact of all dwellings in the area.
- F. Explain how the siting, or placement, of the dwelling and accessory structures on the parcel will minimize impacts to nearby farm or forest lands and operations.
- G. Does the Klamath County Wetland Inventory indicate any possible wetlands on site? (Check with the Planning Division.)
- H. Indicate whether the applicant will be willing to comply with any conditions of approval the review authority considers necessary.

Please continue with the additional criteria that follows:

### **54.060 – Farm Dwellings**

- 1. Indicate that the parcel upon which dwelling will be placed meets the minimum lot size in the applicable zone, as follows:
  - EFU-C – The parcel is at least 80 acres in size;
  - EFU-CG – The parcel is at least 80 acres in size; or
  - EFU-G – The parcel is at least 160 acres in size.

Zone \_\_\_\_\_ Acreage \_\_\_\_\_
- 2. Explain how the parcel is currently used for farm use.
- 3. Except for an accessory farm dwelling, is there is any other dwelling on lands zoned Exclusive Farm Use or Forestry/Range owned by the farm or ranch operator or on the farm or ranch operation?

4. Will the dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land at a commercial scale?
5. Indicate how the tract in which the parcel is located passes one (a or b) of the following tests.
  - a. Size Test. A farm passes the size test if the tract on which the farm is located is at least 160 acres and zoned EFU, or 320 acres and Forestry/Range.
  - b. Income Test. A farm passes the income test if either (1 or 2) below are met. Income information should be presented to the Planning Department by way of Federal Income Tax Schedule F.
    - 1) The tract, which includes the farm, produced in the last 2 years, or 3 of the last 5 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.
      - 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) All contiguous and non-contiguous lots or parcels used to comply with the gross farm income requirements, the covenants, conditions and restriction 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.