



**CONDITIONAL USE PERMIT APPLICATION:
DWELLING FOR A RELATIVE OF THE FARM OPERATOR**

Application Fee: \$1000.00

Application Check List (for departmental use only)

Date Received: _____ Receipt number: _____ Fee paid: _____

Application accepted by: _____ Completeness reviewed by: _____

Date deemed complete: _____ Final action time limit date: _____

File number assigned: _____ Planner assigned: _____

Other applications included: _____

_____ **Environmental Health Program Certification.**

The proposal has approved sewage disposal system and repair areas.

Signed: _____ Date: _____

_____ Proof of potable water

_____ Property includes a recognized access or an access recognition application is included.

_____ Verification of ownership

_____ Property is an authorized unit of land

_____ Owner/applicant name(s), address(es)

_____ Owner/applicant signature(s)

_____ Complete Site Development Plans

_____ Property development standards can be met

_____ Proposal is located within:

UGA _____ Planning area _____

Fire District _____ A.O./Airport notification area _____

Floodplain _____ Hazard Area _____ Wetland _____

Wildlife Habitat _____ Riparian Habitat _____ Fish Habitat _____

S.B.H.O. _____ Historic _____ Greenway _____

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPED

I. Property Owner/Applicant Information

- A. Applicant(s) _____
Address _____
City _____ State _____ Zip Code _____
Phone number _____ email _____
- B. Property owner(s) _____
Address _____
City _____ State _____ Zip Code _____
Phone number _____ email _____
- C. Applicant's representative (if any) _____
Address _____
City _____ State _____ Zip Code _____
Phone number _____ email _____

II. Property Information

- A. Legal description of property: Township _____ Range _____ Section(s) _____
Tax Lot(s) _____
- B. Parcel size _____ Size of farm tract _____
- C. Site Address (if any): _____

- D. Zoning designation _____ Comp Plan designation _____
- E. Nearest city or town _____ Distance _____
Nearest cross road _____ Distance _____
- F. Adjacent parcels under the same ownership:
Township _____ Range _____ Section _____ Tax Lot _____ Size _____
Township _____ Range _____ Section _____ Tax Lot _____ Size _____
- G. Name of Fire Protection District _____

III. Land Use Information

A. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)

B. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)

C. How is access to be provided to the property?

County road name _____

Local Access road name _____

State Highway name _____

Volume and page number of recorded easement to a public road (attach copy) _____

D. Describe the proposed driveway.

1. How wide will the road surface be? _____

2. If over an easement, what is the width of the easement? _____

3. Will any water bodies be crossed by the access? _____

4. If crossing any water bodies, will the crossing be by bridge or culvert(s)? _____

5. Will the driveway intersect with a public road at an existing access point or will this be a new access point? _____

IV. Farm-Relative Dwelling Decision Criteria (LCC 933.420)

A. Who resides in the existing dwelling(s) on the property? _____

B. Who is the farm operator? _____

C. Who would reside in the proposed farm-relative dwelling? _____

D. What is the family relationship between the farm operator and the occupant of the proposed farm-relative dwelling? _____

E. Will the proposed dwelling be located on the same Tax Lot as the farm operator's dwelling? _____

F. Describe in detail the current farm use of the property. For example, describe whether it is row crops, pasture, hay, grass seed production, or other farm use, and the number of acres devoted to each farm use. If it's livestock, describe whether it is cattle, sheep, horses, poultry or other farm animals, and the number of farm animals involved in the farm operation. Attach another sheet of paper if necessary. Indicate the location of existing farm activities on the farm management plan.

G. Explain why the farm operator requires the assistance of the occupant of the proposed farm-relative dwelling in the management and farm use of the existing, commercial farming operation.

H. Describe in detail how the occupant of the proposed farm-relative dwelling will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale.

V. General Conditional Uses Criteria [LCC 933.310(B)(1-3)]

A. The development site must 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 [LCC 933.310(B)(1)].

Does the development site have approval for a sewage treatment system?() Yes () No

Attach a copy of the approved septic site evaluation with the application.

B. Does the development site have an adequate supply of potable water? () Yes () No
Describe the source and volume of the domestic water supply for the proposed dwelling.
Attach a copy of the water well report or other water supply information. _____

C. To the best of your knowledge, will the proposed dwelling be located within an area subject to flooding, landslides or other natural hazards? () Yes () No
If yes, explain how the proposal will be designed and engineered to comply with accepted hazard-mitigation requirements [LCC 933.310(B)(2)]: _____

D. Will the proposed dwelling have a significant adverse impact on fish or wildlife habitat [LCC 933.310(B)(3)]? () Yes () No
If not, explain why not: _____

VI. Attachments

YOU MUST SUBMIT THE FOLLOWING ATTACHMENTS WITH THIS APPLICATION:

- A. A site plan showing the property dimensions, location of existing and proposed structures and natural features. A more complete description of what is required in a site plan is attached to the application. The site plan must be submitted on paper no larger than 8½ inches by 14 inches and must be drawn to scale.
- B. A farm management plan identifying the location of existing and proposed farm uses on the property.
- C. The current deed or contract showing ownership and containing the property’s legal description.
- D. A copy of the easement of road access, if applicable.
- E. 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 Program (EHP) to obtain an application (967-3821). Attach a copy of the site evaluation or certificate of satisfactory completion from EHP.
- F. A copy of the water quantity and quality test results showing an adequate supply of potable water.

VII. Owner/Applicant Certifications

I hereby acknowledge that, pursuant to LCC 933.420(B)(7), if the application is approved, no land division shall be permitted on the property used to qualify the farm-relative dwelling until the farm-relative dwelling is removed or otherwise authorized through another land use action.

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.

Owner/applicant signature _____ Date _____

Owner/applicant signature _____ Date _____

VIII. Verification of Ownership

Only the owner of the property is authorized to complete this section.

A. I hereby certify that this 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

C. Property Owner Signature _____ Date _____

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township____, Range____, Section(s)_____, Tax Lot(s)_____

is owned or is being purchased by: _____

If more than one owner is included, please list all other owners.

Other owners:

(1) _____

(3) _____

(2) _____

(4) _____

Assessor or Planning Staff Signature

Date

IX. DECISION CRITERIA

LCC 933.420 Farm-relative dwellings

(A) *Farm-relative dwelling.* A farm-relative dwelling may be permitted on an authorized unit of land in the EFU and in the farm area of the F/F zoning districts if the criteria and requirements if the criteria and requirements of this subsection (B) are met through a Type IIA review.

(B) The dwelling shall be:

- (1) for the relative of a farm operator;
- (2) on property used for farm use;
- (3) located on the same authorized unit of land as the dwelling of the farm operator;
- (4) occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse;
- (5) occupied by persons whose assistance in the management and farm use of the existing, commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
- (6) The criteria in LCC 933.310(B)(1) to (3); and
- (7) *Requirement.* No land division shall be permitted until the farm-relative dwelling is removed or otherwise authorized through another land use action.
- (8) If the owner of a dwelling described in this section obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.
- (9) For purposes of this section, “**foreclosure**” means only those foreclosures that do not meet the definition of partition under ORS 92.010 (7) (a).

LCC 933.310 RRZ conditional uses; generally

(B) *Decision Criteria.*

- (1) The development site has 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.
- (2) The development will not be located within a mapped geologic hazard area or within 100-year floodplain unless it is demonstrated that the proposal can be designed and engineered to comply with accepted hazard mitigation requirements.
- (3) The proposal will not have a significant adverse impact on sensitive fish or wildlife habitat.

If you have any questions about the conditional use permit process, please feel free to contact this department at (541) 967-3816. Planning staff are available from 8:30 - 12:00 and 1:00 - 5:00 Monday through Friday.

STANDARD SITE PLAN DRAWING

For a complete and accurate evaluation of your proposal, it is necessary to include sufficient information and detail on a site plan drawing. An example is provided as a guide to the preparation of your plan. The site plan you submit will constitute the formal development plan upon which your request is based.

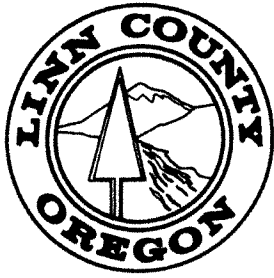
You may submit separate plans to show details of particular aspects of your proposal, i.e. landscaping, off-street parking, topography and drainage plans.

Any public or semi-public use or activity will require written detail and description of such use, i.e. number of employees, hours of operation, unusual equipment or activities that may produce noise, odor, glare, vibration, etc., equipment storage areas, guard or watchman requirements, aerial hazards and road access needs.

This site plan requirement is in addition to any other requirements for zoning, building, sanitation or other governmental permits or standards compliance.

SITE PLAN REQUIREMENTS:

- (1) The site plan must be submitted on paper no larger than 8½ inches by 14 inches and drawn to scale.
- (2) Indicate the scale (for example, 1" = 200') on the site plan.
- (3) Include a North arrow indicating the direction of North on the map.
- (4) Include the applicant's name and address in an information block at the bottom of the page.
- (5) Show the dimensions of the property. These may be taken from surveys, deeds and assessor's records.
- (6) Indicate the names of roads adjacent to the property.
- (7) Indicate the approximate distance and direction to nearest city or town.
- (8) Indicate the dimensions and distance from property lines to all structures, both existing and proposed, as well as fences, culverts, light standards and signs on the property and adjacent properties.
- (9) Indicate the location of existing and proposed access ways, parking and loading areas, approaches and barriers. The type of surfacing should be indicated.
- (10) Identify the location of significant land features, such as streams, creeks, drainage areas and slope.
- (11) Identify the location of existing and/or proposed septic tanks, repair areas and wells. If known, indicate any wells or septic systems on adjacent properties if they are within 10 feet of this property.
- (12) Indicate existing uses of land (cultivation, pasture, timber, etc.). Indicate types of crops, pasture, grass and timber species.



Preparing a Farm Management Plan for a Farm-Relative Dwelling Application

A farm management plan is typically a 1-3 page narrative provided by an applicant to describe their commercial farm operation and justify the need for a farm-relative dwelling on the subject property. A farm management plan gives the applicant the opportunity to provide specific details about the farm operation that will help the County to determine that there is a commercial farm operation of a sufficient scale to require the assistance of a farm-relative. **The burden of proof is on the applicant to demonstrate that the criteria is met.**

What is considered farm use?

"**Farm use**" means: (i) the on-site establishment or maintenance of farming equipment and facilities, and (ii) the current employment of land for the primary purpose of obtaining a profit in money by: (I) raising, harvesting and selling crops; (II) feeding, breeding, managing, selling, or producing livestock, poultry, rattites (emu, ostrich, kiwi, moa), psittacines (parrots), fur-bearing animals or honeybees; (III) dairying and selling dairy products; (IV) any other agricultural or horticultural uses; (V) animal husbandry; (VI) animal grazing; or (VII) any combination of (I) to (V)

ORS 308A.056 also includes "Stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows" and "propagating, cultivating, maintaining or harvesting aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission" under the statewide definition farm use.

What is a farm operator?

Farm operator means "a person who operates a farm, doing the work and making the day-to-day-decisions about such things as planting, harvesting, feeding, and marketing." The applicant must demonstrate how the farm operator will "continue to play the predominant role in the management and farm use of the farm" after the farm-relative moves to the property. The applicant also must prove that the farm operator "requires assistance" from the farm-relative. This could be justified due to the current scale or growth of a farm operation. A farm operator may also require assistance due to disabilities, age, illness, etc. that prevent the farm operator from performing some physical farm operations or tasks. However, the farm-relative cannot take on the majority of the total work/responsibility from the farm operator. The applicant can make these roles clear by providing an explanation of each persons' roles including: responsibilities, daily/regular tasks, hours worked, etc.

What is considered a "commercial farm operation"?

Oregon Administrative Rule and Linn County Code do not define the term "commercial farm operation". However, in *Richards vs. Jefferson County*, 79 Or 171 (2019), the Oregon Land Use Board of Appeals determined that "**a commercial farming operation is one that is of sufficient scale and intensity that would induce and require a reasonable farmer to devote the majority of his or her working hours to operating a farm on the subject property.**" This can be demonstrated by the applicant by providing a description of the farm operation's scale/intensity, as well as a breakdown of the farm operator's work hours.