



# 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

## **EFU Zone Lot of Record 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**

**EFU Zone Lot of Record 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 responses to each.

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

All of the following conditions must be satisfied for dwelling applications in Exclusive Farm Use zones to be approved. Please demonstrate compliance with each of the criterion.

- A. *Has the lot or parcel upon which the dwelling will be placed was legally created.*
- B. *Explain how the proposed dwelling site can obtain approval of on-site sewage disposal, and be adequately served by road access, water, utilities, and fire protection? (Will not cause these facilities or services provided to the area to exceed existing capacities).*
- C. *Explain why approval of the dwelling will not create conditions or circumstances that the County determines would be contrary to the purposes of intent of its acknowledged comprehensive plan or land use regulations.*
- D. *Explain how the dwelling and its placement are in the conformance with all required standards and criteria of County code.*
- E. *Explain how approval of the dwelling will not materially alter the stability of the overall land use pattern in the area when considering the cumulative impact of dwellings on other lots or parcels in the area.*
- F. *Explain how the dwelling and accessory structures are sited on the parcel such that the building site selected will minimize impacts to nearby farm and forest lands and operations.*
- G. *Does the Klamath County Wetland Inventory indicate any possible wetlands on site?*
- H. *Indicate that the use will comply with other conditions as the review authority considers necessary.*

In addition to the general review criteria above, a non-farm dwelling must also meet the specific criteria that follows:

### **54.080 – Lot of Record Dwellings in EFU Zones**

B. **REVIEW CRITERIA** – In addition to those enumerated in 54.050 (above), all applications for lot of record dwelling will be reviewed against the following criteria. The County may allow the establishment of a single-family dwelling on a lot or parcel in an Exclusive Farm Use zone if the County finds that the application meets the following:

1. Explain how the lot or parcel upon which the dwelling will be placed was legally created before January 1, 1985;
2. Explain if the lot or parcel was acquired by the present owner prior to January 1, 1985, or was acquired by the present owner by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985. For the purposes of Lot of Record Dwellings, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step parent, step child, grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members;

3. Does the tract on which the proposed dwelling will be sited already contain a dwelling?

4. Is the lot or parcel on which the dwelling will be sited *not* high-value farm land?

C. LOT OF RECORD DWELLINGS IN HIGH-VALUE FARMLAND – The County may allow the establishment of a single-family dwelling not in conjunction with farm use on high-value farm land if, in addition to meeting the requirements of LDC 54.080(A) and 54.080(B), the County finds that:

1. Is the lot or parcel in high-value farmland?

D. APPROVAL CONDITIONS - Before final Planning Department approval can be granted, the applicant shall:

1. Demonstrate removal of tax deferral. Before a building permit is issued, the owner/applicant shall produce written evidence from the County Assessor's Office that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at value for farm use and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid. ORS 215.213, 215.236, 215.263. ORS 308A.050 to 308A.128. ORS 308A.315, 321.257 to 321.390, 321.730 or 321.815.
2. Record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.