



# 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 - 160 Acre Forest Template Dwelling in Forestry 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 – 160 Acre Forest Template 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 55.060 - General Review Criteria for Forest 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 that the tract on which the proposed dwelling will be sited does not contain a dwelling and no other dwelling has been approved for other lots or parcels in the tract, and no deed restrictions exist on any parcels in the tract that preclude the parcel from development or from being used to total the required acreage. Large ownership dwellings as set forth in 55.090 are excluded from this requirement. A tract is defined as one or more contiguous lots or parcels in the same ownership. Contiguous means connected in such a manner as to form a single block of land;
- C. Explain how approval of the dwelling will not exceed the facilities and service capabilities of the area.

The proposed dwelling site must meet the following:

- 1. Obtain approval for on-site sewage disposal (does not need to be completed prior to application);
- 2. Explain how the residence will be adequately served by road access. Roads must meet the fire protection standards (minimum 20 feet in width and capable of supporting a 60,000 lb vehicle). In addition, if road access to the proposed dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, provide proof of a long term road access use permit or agreement;
- 3. The home site shall be developed pursuant to the siting and development standards of LDC Article 69, Rural/Wildland Fire Safety Standards, and the parcel upon which the proposed dwelling is to be located shall be within a rural fire protection district or proof provided of a contract for residential fire protection;
- 4. The home site must be served by a domestic water supply from a source authorized by the state Water Resources Department, and not from a Class II stream as designated in the Forest Practices Rules (OAR Chapter 629). The applicant shall provide proof to the Planning Division that this requirement can be met. Evidence of domestic water supply may consist of:
  - a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - b. A water use permit issued by the Water Resources Department for the use described in the application; or
  - c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application.
  - d. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well log to the county upon completion of the well.

- D. Explain how approval of the dwelling will not create conditions or circumstances that would interfere with farming or forestry activities.
- E. Explain how the dwelling and its placement are in conformance with all required standards and criteria of the County code. (For example: minimum 25 foot structural setback to property lines or special standards that may apply in significant resource areas as defined in the Land Development Code.)
- F. Explain how the addition of this dwelling will not affect the stability of the overall land use pattern, when considering the cumulative impact of all dwellings in the area.
- G. Explain how the siting, or placement, of the dwelling and accessory structures on the parcel will substantially satisfy each of the following:
  - 1. Have the least impact on nearby or adjoining forest or farm lands; and
  - 2. Ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
  - 3. Minimize the amount of forest lands used to site roads, service corridors, dwellings and structures; and
  - 4. Minimize risk associated with wildfire.

Please continue with the following additional criteria

### **55.080 – 160-Acre Template Dwellings**

- 1. Confirm that the tract on which the proposed dwelling will be sited does not already contain a dwelling, and no other dwellings have already been permitted for lots or parcels in that tract;
- 2. Provide proof that the parcel on which the home site is proposed meets the following “Template Test.”

A template, or rectangle, with an internal area of 160 acres shall be laid upon a map and centered on the center of the subject tract. The shape and alignment of the template may vary depending on conditions outlined below. In order to satisfy the template test, the required number of dwellings must be located on parcels encompassed or partly encompassed by the template. The dwellings themselves may be located outside the template area. (Lots or parcels within urban growth boundaries cannot be used to satisfy the eligibility requirements below.)

- a. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing 0 to 20 cubic feet of wood fiber per acre per year, the template must encompass:
  - 1) All or part of at least three other lots or parcels which existed on January 1, 1993; and
  - 2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993 and continue to exist.
- b. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing 21 to 50 cubic feet of wood fiber per acre per year, the template must encompass:
  - 1) All or part of at least seven other lots or parcels which existed on January 1, 1993; and
  - 2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993 and continue to exist.

- c. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing more than 50 cubic feet of wood fiber per acre per year, the template must encompass:
- 1) All or part of at least eleven other lots or parcels which existed on January 1, 1993; and
  - 2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993 and continue to exist.
- d. The template used shall be a 160 acre square (dimensions 1/2 mile by 1/2 mile) centered on the center of the subject tract, unless:
- 1) The tract abuts a road that existed on January 1, 1993. In this case a rectangular template, described below, **may** be used in place of the square template.
  - 2) If the tract is 60 acres or larger and abuts a road or perennial stream a rectangular template **must** be used in place of the square template. This rectangular template shall be of dimensions 1/4 mile by 1 mile, centered on the center of the subject tract and to the maximum extent possible aligned with the road or stream.
- e. The following special conditions also apply if the tract is 60 acres or larger:
- 1) If a perennial stream or road abuts the subject tract, at least one of the dwellings that is required to be located within the rectangular template shall be on the same side of the road or perennial stream as the subject tract and within the template, or else along the road or stream on the same side as the subject parcel and within one-fourth mile of the edge of the subject tract and within one-half mile of the center of the subject tract but not necessarily inside the template.
  - 2) If a road crosses the subject tract at least one of the three required dwellings must be on the same side of the road as the proposed dwelling.
4. Before final Planning Division approval for a Template Dwelling can be granted, the owner must submit proof of non-revocable deed restrictions recorded in the deed records for the parcels and lots comprising the tract. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.