



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 Lot of Record Dwelling in the 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 – Lot of Record in Forestry Zone

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 said 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:

1. Will be required to obtain approval for on-site sewage disposal;
2. Explain how the home site will be adequately served by road access. Roads must meet fire protection standards with a minimum width of 20 feet and hold up to 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 the Klamath County Land Development Code 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 the proposed resident must provide proof 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). Provide proof that this requirement can be met. Evidence of a domestic water supply may consist of:
 - a. Verification from a water purveyor that the dwelling 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 dwelling.
 - 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: structural setbacks 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.

55.070 – Lot of Record Dwellings in Forestry Zones

- 1. Provide proof that the lot or parcel upon which the dwelling will be placed was legally created before January 1, 1985;
- 2. Provide proof that 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. State 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;
- 4. Provide proof that the tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species (This information can be obtained on the internet at websoilsurvey.nrcs.usda.gov/app/homepage.htm);
- 5. Provide proof that the property is located within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and cannot be:
 - a. A United States Bureau of Land Management road; or
 - b. A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowner adjacent to the road, a local government or state agency.