



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 Large Ownership 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 – Large Ownership Dwelling 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.

55.090 - LARGE OWNERSHIP DWELLINGS

- B. REVIEW CRITERIA - the County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if the tract on which the dwelling will be placed contains at least 240 contiguous acres, except as provided in part C of this section. (Indicate how your application meets the following standards.)
- C. An owner of non-contiguous tracts that are 1) in Klamath County or 2) in Klamath County and in Jackson, Douglas, Lane, Deschutes and/or Lake County; that are zoned Forestry, may add together the acreage of two or more tracts to total 320 acres or more to establish a forest dwelling, if the following conditions (1-3) are met:
 - 1. Approval for a forest dwelling under this sub-section is subject to the Conditional Use Permit process of Article 44.
 - 2. The criteria enumerated in section 55.060 shall apply.
 - 3. Pursuant to OAR 660-006-0027, for all non-contiguous lots, parcels or tracts used to meet the 320 acre minimum requirement, the covenants, conditions & restrictions form adopted as "Forest Dwelling Exhibit A" must be recorded with the county clerk of the county or counties where those lots, parcels or tracts are located. This must be done prior to the final approval of the forest dwelling.