



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 a Non-Farm Dwelling in the EFU 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 – Non-Farm Dwelling in EFU 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 54.050 - General Review Criteria for EFU 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 how the proposed dwelling site will be adequately served by road access and recorded easements, water, utilities, and fire protection. Will the proposed dwelling cause any of these facilities or services to exceed existing capacities?
- C. Explain how approval of the dwelling will not create conditions or circumstances that would interfere with farming activities.
- D. 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.)
- E. Explain how the addition of this dwelling will not affect the stability of the overall agricultural land use pattern, when considering the cumulative impact of all dwellings in the area.
- F. Explain how the siting, or placement, of the dwelling and accessory structures on the parcel will minimize impacts to nearby farm or forest lands and operations.
- G. Does the Klamath County Wetland Inventory indicate any possible wetlands on site? (Check with the Planning Division.)
- H. Indicate whether the applicant will be willing to comply with any conditions of approval the review authority considers necessary.

Please continue with the additional criteria that follows:

54.070 – Non-Farm Dwellings

1. Explain how the proposed dwelling and activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
2. Provide proof that the proposed dwelling will be situated upon a lot or parcel or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock, or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract.

A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm or forest use in conjunction with other land. If it can be sold, leased, rented or otherwise managed as a part of commercial farm or ranch it is not "generally unsuitable." A lot or parcel is presumed suitable if it is composed predominantly of Class I-VI soils.

3. Explain how the dwelling is compatible with farm uses, does not seriously interfere with accepted farming practices on nearby lands devoted to agricultural use, and is consistent with state agricultural land-use policy, which is designed to conserve agricultural lands;
4. Provide proof that the dwelling will be sited on a lot or parcel created before January 1, 1993; **or** the lot or parcel was created after January 1, 1993 pursuant to the procedure for land partitions in EFU zones;
5. Explain how the addition of this dwelling will not materially alter the stability of the overall agricultural land use pattern, when considering the cumulative impact of all non-farm dwellings in the area;
6. If the parcel is under forest assessment:
 - a. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation it is not "generally unsuitable." A lot or parcel is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year.
 - b. Explain how the proposed dwelling will be compatible with, and not seriously interfere with, forest practices; and
 - c. Explain how the proposed dwelling will not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
7. State that the Applicant is willing to comply with other conditions the governing body or its designate considers necessary.
8. Before final Planning Division approval can be granted, the applicant shall:
 - a. Before a building permit is issued, the owner/applicant shall provide written evidence from the County Assessor's Office that the lot or parcel upon which the dwelling will be placed has been disqualified for special assessment for farm use and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.
 - b. Record a covenant with the property 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, and provide a copy of the recorded covenant to the Planning Division.