

**CHAPTER 40
APPLICATION PROCEDURES**

**ARTICLE 40
BASIC PROVISIONS**

40.010 - PURPOSE

The purpose of this chapter is to provide standards and criteria for development permit and change of land use applications.

40.020 - TYPES OF APPLICATIONS

The types of development permit and change of land use procedures provided by this code are as follows:

- A. Site Plan Review
- B. Temporary Use Permit
- C. Variances
- D. Conditional Use Permit
- E. Land Partition
- F. Subdivision of Land
- G. Change of Zone Designation (Quasi-judicial)
- H. Change of Comprehensive Plan/Zone Designation (Quasi-judicial)
- I. Legislative Amendment to the Klamath County Comprehensive Plan, Land Development Code or Zoning Map

ARTICLE 41 SITE PLAN REVIEW

41.010 - PURPOSE

The purpose of Site Plan Review is to ensure compliance with the provisions this code for uses and activities governed by this code.

41.020 - APPLICATION

Unless otherwise specified by this code, review of a site plan is required for:

- A. Issuance of a building permit for new construction exclusive of interior remodeling;
- B. Land use decisions involved in making a determination of land use compatibility for any state or federal agency;
- C. The construction, relocation, addition, extension, occupancy or use change of structure;
- D. Any development, or change of land use; or
- E. Time extension requests.

41.030 - REVIEW PROCEDURE

- A. Site Plan Review for all actions involving the application of clear and objective standards or review criteria shall be conducted according to the Type I Administrative Review Procedure.
- B. Site Plan Review for all land use decisions involving interpretation or the exercise of factual, policy or legal judgment shall be conducted according to the Type II Administrative Review Procedure.

41.040 - REVIEW CRITERIA

- A. A site plan may only be approved if it meets all applicable review standards and criteria of this code.
- B. A site plan shall be reviewed against all applicable requirements of this code.

41.050 - PROCESSING

- A. Initiation - An application for Site Plan Review shall be initiated by the owner, or agent of the owner, of the property for which review is sought. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for Site Plan Review shall be filed on forms provided by the Planning Department, and shall set forth in detail all necessary information. If the development does not have

direct permitted access for the intended use to an established public right-of-way, the applicant shall provide documentation demonstrating proof of legal access. The documentation must be complete, legible, presented in a graphic form and orderly manner, and include source documents such as deeds or grants of easements, neither a preliminary title report nor a title policy shall be considered proof of legal access.

- C. Filing Fee - An application for Site Plan Review shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- D. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.

41.060 - SITE PLAN REQUIREMENTS

Site plans shall include the following information:

- A. Tax lot number and street address;
- 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;
- 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;
- G. Location of water and drainage features and the flow direction of any ponds, channels, creeks, swales or other drainage facilities effecting 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, such as rock outcrops, excavations, etc.;
- J. Location and dimensions of all easements;
- K. Landscaping as required by Article 65;

- L. Signs as required by Article 66;
- M. Parking as required in Article 68;
- N. Vehicular access and circulation as required by Article 71;
- O. Other appropriate information that otherwise may be required by this code;
- P. Signature of applicant.

41.070 - PERFORMANCE AGREEMENT

The review body may require a performance agreement pursuant to Article 15 in order to ensure compliance with any requirements of this code or conditions of the review body.

41.080 - TIME LIMIT ON SITE PLAN REVIEW

An approved site plan shall be void after 180 days if no building permit has been issued.

ARTICLE 42 TEMPORARY USE PERMIT

42.010 - PURPOSE

The purpose of the Temporary Use Permit is to provide for the establishment of uses on a short-term basis.

42.020 - REVIEW PROCEDURE

An application for a Temporary Use Permit shall be subject to the Type II Administrative Review Procedure.

42.030 - PERMITTED TEMPORARY USES

- A. One manufactured dwelling in conjunction with an existing dwelling for the term of a medical hardship suffered by the resident or an immediate relative requiring care.
- B. One recreational vehicle in conjunction with an existing dwelling for the term of a medical hardship suffered by the resident or an immediate relative requiring care.
- C. A manufactured dwelling or recreational vehicle occupied during construction or development of a site.
- D. A temporary construction office.
- E. Temporary or seasonal labor camps.
- F. Temporary or seasonal fairs or Outdoor Mass Gatherings.
- G. Other uses as determined by the Planning Director in accordance with the Type II Administrative Review Procedure.
- H. Seasonal or Transient Businesses

42.040 - PROCESSING

- A. Initiation - An application for Site Plan Review shall be initiated by the owner, or agent of the owner, of the property for which review is sought. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for Site Plan Review shall be filed on forms provided by the Planning Department, and shall set forth in detail all necessary information, and shall be accompanied by a site plan drawn to the requirements of Section 41.060. If the development does not have direct permitted access for the intended use to an established public right-of-way, the applicant shall

provide documentation demonstrating proof of legal access. The documentation must be complete, legible, presented in a graphic form and orderly manner, and include source documents such as deeds or grants of easements, neither a preliminary title report nor a title policy shall be considered proof of legal access.

- C. Filing Fee - An application for a Temporary Use Permit or Annual Review shall be accompanied by an application fee.
- D. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice to which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- E. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30 day comment period, which begins on the day the notification letter is sent, has expired.
- F. Time Limitation - No request for a Temporary Use Permit shall be considered by a review body within a one-year period immediately following a previous denial of such request.

42.050 - REVIEW CRITERIA AND STANDARDS

- A. A Temporary Use Permit may only be approved if it meets all applicable criteria and standards of this code.
- B. A Temporary Use, its location, size design and operating characteristics will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.
- C. Hardship dwellings shall meet the following criteria:
 - 1. The medical hardship is certified by a licensed physician;
 - 2. The manufactured dwelling or recreational vehicle is connected to the existing sewage disposal system except when the County Environmental Health Division determines that an existing system is inadequate and cannot be made adequate;
 - 3. The manufactured dwelling or recreational vehicle is located as close as practical to the existing primary residence; and

4. The manufactured dwelling or recreational vehicle shall be removed from the property when the hardship condition ceases.
- D. Manufactured dwellings or recreational vehicles used temporarily during development of a site or as a temporary construction office may only be approved if a building permit for the primary development has been issued. The review body shall determine if the temporary residence or office is required for development of the primary use.
- E. The review body may grant a Temporary Use Permit subject to such reasonable conditions based on finding of fact that it deems necessary to ensure compliance with the Klamath County Comprehensive Plan, Land Development Code, and sound land use planning principles.

42.055 – OUTDOOR MASS GATHERING REVIEW CRITERIA & STANDARDS

- A. Organizers will be required to apply for a temporary use permit if the event falls within the definition of an Outdoor Mass Gathering at least 35 days in advance. Applications are subject to Type II Administrative Review and must include the following to 1-ensure the health, safety and welfare of those attending the event, 2-protect the owners of neighboring properties, and 3-protect the legal interests and rights of the organizer(s) themselves:
1. Name, address and telephone number(s) of applicant(s).
 2. Legal description of the place of the proposed event.
 3. Date of the proposed event.
 4. Estimated attendance at the proposed event.
 5. Nature/purpose of the proposed event.
 6. Site plan showing all applicable attributes as required by the Klamath County Planning Department.
 7. The organizer(s) shall address food-handling requirements, water, waste disposal, portable sanitation and other applicable health standards to be approved by the Klamath County Department of Environmental Health as shown by the sign-off on the Land Use Compatibility Statement (LUCS) issued by the Klamath County Planning Department.
 8. An off street parking plan that includes one parking space per four people expected to attend the event. In addition, spaces shall be provided for vehicles associated with the event (e.g. busses, trucks, limousines and staff vehicles).
 9. A plan for safe and adequate access to the event site to be approved by the Klamath County Department of Public Works as shown by the sign off on the Land Use Compatibility Statement

(LUCS) issued by the Klamath County Planning Department.

10. Fire protection and prevention shall be provided by a public entity or on-site fire protection equipment will be available that has been approved by the appropriate fire district. The organizer(s) shall submit a signed statement from the appropriate agency.
11. Emergency medical facilities and communication systems will be available and an ambulance shall be required on site. The organizer(s) shall submit a signed statement from the appropriate agency.
12. Security personnel and/or measures will be available and the Klamath County Sheriff shall be notified of the event.
13. Organizer(s) shall sign a statement holding themselves responsible for any incidents of trespass or vandalism on adjacent or nearby property.
14. Organizer(s) shall sign an statement explaining that after the event, the site will be restored to its original condition in a timely manner (72 hours for debris, residue and trash removal; and 3 weeks for temporary structure removal).
15. A signed statement from the organizer(s) that the event is compatible with existing land uses and will not materially alter the stability of the overall land use pattern of the area.
16. Application fee.

42.060 - ANNUAL REVIEW

- A. Temporary Use Permits shall be subject to annual review in accordance with the Type II Administrative Review Procedure.
- B. The Planning Director or appropriate review body shall review the temporary use against any original conditions of approval to determine continued compliance with this code or conditions of approval.
- C. The review body may revoke a Temporary Use Permit upon a finding that the temporary nature of the use has expired or that the applicant has not complied with this code or conditions of approval.

42.070 - PERFORMANCE AGREEMENT

The review body may require a performance agreement pursuant to Article 15 in order to ensure compliance with any requirements of this code or conditions of the review body.

ARTICLE 43 VARIANCES

43.010 - PURPOSE

The purpose of a Variance is to permit justifiable departures from the requirements of this code where, because of the particular physical surroundings, shape, topography, or other conditions not created by the owner of the property, the literal application would result in an undue or unnecessary hardship on the owner. It is not the purpose of a Variance to authorize a use or activity not permitted by the land use zone regulations governing the property.

43.020 - REVIEW PROCEDURE

Applications for a Variance shall be reviewed according to the Type II Administrative Review Procedure (Article 22), except as follows:

- A. An application for a Variance may be referred at the discretion of the Planning Director to the Hearings Officer for review under the Hearings Officer Review Procedure (Article 24).
- B. An application for a Variance when in conjunction with a conditional use permit shall be reviewed according to the appropriate review procedure identified in Article 44.
- C. An application for a Variance when in conjunction with a land partition or subdivision or Planned Unit Development shall be reviewed according to the appropriate review procedure for the land division or development request.

43.030 - REVIEW CRITERIA

- A. A Variance may only be approved if it meets all applicable review criteria.
- B. A Variance shall be reviewed against the following criteria:
 - 1. The literal enforcement of this code would result in practical difficulty or unnecessary hardship to the owner. The difficulty or hardship may arise from the property's size, shape or topography, or from the location of lawfully existing buildings or improvements;
 - 2. The condition causing the difficulty was not created by the applicant;
 - 3. The granting of the Variance will not be detrimental to the use and enjoyment of adjacent properties, and will not authorize uses or activities not permitted by the land use zone regulations governing the property; and
 - 4. The granting of the Variance will not be contrary to the intent of this code.
- C. Conditions - The reviewing authority may grant a Variance subject to such reasonable conditions

based on findings of fact as will ensure that:

1. Any departure from the requirements of this code will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity or the land use zone in which the property is located; and
2. Conditions are necessary, in the judgment of the review authority, to protect the best interests of surrounding property or neighborhood.

43.040 - PROCESSING

Applications for a Variance shall be processed as follows:

- A. Initiation - An application for a Variance shall be initiated by the owner or agent of the owner of the property proposed as the site of the Variance. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for a Variance shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be accompanied by a site plan drawn to the requirements of Section 41.060.
- C. Pre-application conference - An application for a Variance shall be subject to the pre-application procedures (Article 21).
- D. Filing Fee - An application for a Variance shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- E. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- F. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30-day comment period, which begins on the day the notification letter is sent, has expired.
- G. Time Limitation - No request for a Variance shall be considered by a review body within a one-year period immediately following a previous denial of such request.

H. Expiration - Variance approvals will expire in two years from the date of approval and are not subject to extension.

43.050 - PERFORMANCE AGREEMENT

The review body may require a performance agreement pursuant to Article 15 in order to ensure compliance with any requirements of this code or conditions of the review body.

43.060 – EXCEPTIONS FOR ACCESSORY BUILDINGS

- A. A variance may be granted to allow an accessory building in the absence of a primary building/use on a lot or parcel outside the Urban Growth Boundary. A permit must have been denied that would prevent the establishment of a primary building/use on that lot or parcel. An applicant applying for this variance shall submit a letter from the department that denied the permit specifying the conditions resulting in the permit's denial. This letter is required as part of this variance application. An accessory building allowed by this variance shall meet the following criteria:
1. The structure shall not exceed 700 square feet of floor space or one story in height;
 2. The structure shall have no windows of any kind;
 3. The structure may have manually operable garage doors and must have at least one man door; and
 4. Plumbing, stack vents or anything that would require an electric, plumbing or mechanical permit shall not be allowed.
- B. Only one accessory building allowed by this variance shall be permitted per lot or parcel; the structure shall meet setback requirements described in Article 62; & nothing shall be stored outside the structure.
- C. The following shall not be stored in an accessory building allowed by this section: 1) recreational vehicles (RV), 2) any type of manufactured dwelling, 3) animals, and 4) motor vehicles in a wrecked, dismantled and/or disassembled condition.
- D. With regards to access to the accessory building, a driveway permit must be obtained from the Department of Public Works.
- E. A variance under this section shall be reviewed and processed pursuant to Section 43.020 and 43.040 respectively.

ARTICLE 44

CONDITIONAL USE PERMIT

44.010 - PURPOSE

The purpose of the Conditional Use Permit is to provide a mechanism whereby uses which may be suitable only in certain locations or only if designed or operated in a particular manner may be allowed within the basic zone designation.

44.020 - REVIEW PROCEDURE

Applications for a Conditional Use Permit shall be reviewed as follows:

A. Hearings Officer Review Procedure (Article 24)

1. Conditional Use Permit applications for any use located outside the Urban Growth Boundary except for those in con-junction with a subdivision or planned unit development or any application for mining and/or mineral processing; or
2. Extensive Impact Services and Utilities involving land within the Urban Growth Boundary.

B. Type II Administrative Review Procedure (Article 22)

Conditional Use Permit applications for all uses within the Urban Growth Boundary except for Extensive Impact Services and Utilities involving land located within an Urban Growth Boundary and those in conjunction with a subdivision or planned unit development.

C. Planning Commission Review Procedure (Article 26)

An application for a Conditional Use Permit in conjunction with a subdivision or planned unit development inside or outside the Urban Growth Boundary.

44.030 - REVIEW CRITERIA

- A. The use complies with policies of the Comprehensive Plan;
- B. The use is in conformance with all other required standards and criteria of this code; and
- C. The location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.
- D. Conditions - The review body may grant a Conditional Use Permit subject to such reasonable conditions based on findings of fact that it deems necessary to ensure compliance with the Klamath County Comprehensive Plan, Land Development code, and sound land use planning principles.

44.040 - PROCESSING

Applications for a Conditional Use Permit shall be processed as follows:

- A. Initiation - An application for a Conditional Use Permit shall be initiated by the owner, or agent of the owner of the property proposed as the site of the conditional use. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for a Conditional Use Permit shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be accompanied by a site plan drawn to the requirements of Section 41.060 and any other requirements of this code. If the development does not have direct permitted access for the intended use to an established public right-of-way, the applicant shall provide documentation demonstrating proof of legal access. The documentation must be complete, legible, presented in a graphic form and orderly manner, and include source documents such as deeds or grants of easements, neither a preliminary title report nor a title policy shall be considered proof of legal access.
- C. Pre-application Conference - An application for a Conditional Use Permit shall be subject to the pre-application procedure (Article 21).
- D. Filing Fee - An application for a Conditional Use Permit shall be accompanied by a filing fee set by the Board of County Commissioners to defray the cost incidental to the review process.
- E. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- F. Within 5 business days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30-day comment period, which begins on the day the notification letter is sent, has expired.
- G. Time Limitation - No request for a Conditional Use permit shall be considered by a review body within a one-year period immediately following a previous denial of such request.

44.050 - TIME LIMIT ON CONDITIONAL USE PERMIT APPROVAL

- A. A Conditional Use Permit shall be void after 2 years if a development permit has not been issued or

has expired, except as noted in part E of this section.

- B. A Conditional Use Permit is considered void if the use is discontinued for a period of 1 year.
- C. Requests for an extension of time for an approved and final Conditional Use Permit shall be reviewed in accordance with the Type I Administrative Review Procedure.
- D. Requests for an extension of time based on substantial development of an approved and final Conditional Use Permit shall be reviewed against the following criteria:
 - 1. The nature of the project and original conditions;
 - 2. The acts of the property owner must arise beyond mere contemplated use.
 - 3. Development is unable to occur due to circumstances beyond the control of the owner.
 - 4. A Conditional Use Permit will be limited to three (3) one-year time extensions.
- E. For non-farm dwellings pursuant to sections 54.070 & 54.080 and forest dwellings pursuant to 55.070, 55.080 & 55.090 the following (1-2) apply:
 - 1. A Conditional Use Permit shall be void after 4 years if a development permit has not been issued or has expired.
 - 2. Only one time extension shall be allowed. This time extension is valid for 2 years.

44.060 - PERFORMANCE AGREEMENT

The review body may require a performance agreement pursuant to Article 15 in order to ensure compliance with any requirements of this code or conditions of the review body.

ARTICLE 45 LAND PARTITION

45.010 - PURPOSE

The purpose of the land partitioning procedure is to ensure that the division of lands into parcels for subsequent use and development is conducted in an orderly manner and in compliance with this code and Oregon law.

45.020 - REVIEW PROCEDURE

- A. A land partition request and tentative partition plan shall be reviewed according to the Type II Administrative Review Procedure (Article 22).
- B. A land partition request and tentative partition plan associated with a conditional use permit for a dwelling not necessary and accessory to farm use shall be reviewed according to the Hearings Officer Review Procedure (Article 24).

45.030 - PARTITION RESTRICTIONS

No partition shall be approved within a subdivision, planned unit development, or previously approved partition unless the standards of Article 71 are met. The review body may waive requirements of Article 71 upon a finding that adequate access exists and relevant road standards are met.

45.040 - REVIEW CRITERIA

- A. A partition request may only be approved if it meets all applicable standards and review criteria.
- B. A partition request shall be reviewed against the following criteria:
 - 1. The proposed partition complies with policies of the Comprehensive Plan;
 - 2. The proposed partition is in conformance with all standards and criteria of this code and applicable state statutes;
 - 3. The subject property is physically suitable for the type and proposed density of development and conforms to zone standards;
 - 4. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, street, or other existing or planned facilities;
 - 5. The sewer and water facilities and existing fire protection services are adequate to serve the density of development resulting from the proposed partition;
 - 6. The proposed partition has legal access to the property;

7. The proposed partition will not conflict with legally established easements or access within or adjacent to the parcel configuration resulting from subject property; and
8. The proposed partition will not prohibit the extension of dedicated streets or roads.

45.050 - PROCESSING

Applications for a partition shall be processed as follows:

- A. Initiation - An application for a partition shall be initiated by the owner, or agent of the owner, of the property proposed as the site of the partition. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for a partition shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be accompanied by a tentative partition plan drawn to the requirements of Section 45.060. If the development does not have direct permitted access for the intended use to an established public right-of-way, the applicant shall provide documentation demonstrating proof of legal access. The documentation must be complete, legible, presented in a graphic form and orderly manner, and include source documents such as deeds or grants of easements, neither a preliminary title report nor a title policy shall be considered proof of legal access.
- C. Filing Fee - An application for a partition shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- D. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- E. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30-day comment period, which begins on the day the notification letter is sent, has expired.
- F. Time Limitation - No request for a partition shall be considered by a review body within a one-year period immediately following a previous denial of such request.

45.060 - TENTATIVE PARTITION PLAN REQUIREMENTS

- A. Preparation and Submission - The applicant shall cause a tentative partition plan to be prepared, together with additional information that may be required by this code to indicate the objectives of the development.
- B. Copies - The applicant shall submit to the Planning Department the original drawing or acceptable tracing, and 15 copies of the tentative partition plan.
- C. Drawing Requirements - Tentative partition plans shall be drawn on 18 inch by 24 inch tracing medium suitable for diazo copying purposes. Tentative partition plans shall be drawn to an appropriate engineer's scale.
- D. Required Information - The tentative partition plan shall show the following information:
 - 1. Partition number assigned by the Planning Department;
 - 2. North arrow, scale, and date of preparation;
 - 3. A vicinity map showing the general location of the property;
 - 4. All exterior lot lines and approximate dimensions of the property being partitioned;
 - 5. All proposed lot lines and approximate dimensions;
 - 6. Jurisdictional or political boundaries;
 - 7. The property location (township, range, section and subdivision - where applicable);
 - 8. Approximate acreage of each parcel;
 - 9. The existing and proposed use of the land;
 - 10. Boundary lines of adjacent properties and the names of owners of record;
 - 11. Approximate direction of slope and approximate percentage of slope for all parcels under 10 acres in size to be created;
 - 12. Major natural physical features such as steep slopes, bluffs, rock outcroppings, canyons, all drainage;
 - 13. All bodies of water such as rivers, streams, lakes, irrigation facilities;
 - 14. The location and outline of existing buildings or other improvements on the property, and the address, if available;

15. The location, width and names of all existing and proposed streets or roads on or adjacent to the property;
 16. The location and width of all existing and proposed easements on the property;
 17. The location of all existing water wells, and the approximate location of any existing septic tanks and leach field on each parcel;
 18. All existing and proposed utilities and the method of serving each parcel, including the source of domestic water and the method of sewage disposal;
 19. Existing and proposed means of vehicular access to each parcels;
 20. Approximate street grades and direction of surface water drainage flow on existing or proposed streets or roads;
 21. The Comprehensive Plan and zoning designation(s) applicable to the property;
 22. The name(s), address(es) and telephone number(s) of owners, contract purchasers, or representative of the property; and
 23. The name, address, and telephone number(s) of the person preparing the tentative partition plan.
 24. For a land partition of rural residential lands, a fifty (50)-foot structural setback shall be indicated from those residential property lines that are contiguous to resource lands.
- E. Property Owners List - Names and addresses of all property owners as shown on the last preceding tax roll of the Klamath County Assessor shall be submitted in the following manner:
1. For land partitions involving land planned and zoned for agriculture or forestry, the property owners list shall encompass all property within 500 feet of the subject property;
 2. For land partitions partially or wholly outside of an urban growth boundary but not involving land planned and zoned for agriculture or forestry, the property owners list shall encompass all property within 300 feet of the subject property; or
 3. For land partition inside of an urban growth boundary, the property owners list shall encompass all property within 200 feet of the subject property.

45.070 - TENTATIVE PARTITION PLAN REVIEW

- A. Referral of the Tentative Partition Plan for Comment - No later than 15 days prior to the scheduled review date, the Planning Director shall furnish 1 copy of the tentative partition plan and

supplemental materials to parties interested in or potentially affected by the proposed partition for their review and comment.

- B. Property Inspection - All proposed partitions may be inspected by the Planning Director, County Surveyor, Public Works Director, Environmental Health Director, or their authorized representatives prior to the scheduled review date. Unusual conditions that would adversely affect the subject property or adjacent property shall be noted, and appropriate recommendations developed for consideration by the review body.
- C. Survey of Parcels - The County Surveyor, upon review of the tentative partition plan, may recommend a survey of the property. Any parcel created by partition that is 10 acres or less in size shall be surveyed in accordance with applicable state statutes.
- D. Review - The appropriate review body shall review the tentative partition plan and all supplemental materials required by this code, and render a decision pursuant to procedures of Chapter 20.
- E. Conditions - The review body may grant approval of a partition plan subject to such reasonable conditions based on findings of fact that it deems necessary to ensure compliance with the Klamath County Comprehensive Plan or Land Development Code.
- F. Submission of Final Plat - An applicant for a land partition shall cause a final plat to be prepared and recorded with the County Clerk within 1 year of the final decision on the tentative partition plan. The applicant shall submit a final plat and all supplementary materials to the Planning Director not less than 30 days prior to the deadline, and shall secure all necessary approvals and signatures within 30 days of submitting the final plat to the County. The final plat shall conform to the approved tentative partition plan, Section 45.100 and applicable state statutes.
- G. If the time period for recording the final plat expires without the approved time extension, the applicant shall file a new partition application.

45.080 - IMPROVEMENTS

- A. The Director of Public Works may specify, or the review body require, improvements and/or repairs to roads or infrastructure to be installed or completed by the applicant.
- B. The applicant shall complete all required improvements or repairs prior to filing the final plat with the County, or shall execute a performance agreement with the County pursuant to Article 15.
- C. All required road improvements or repair of existing roads and public facilities shall be made in accordance with the requirements of the Director of Public Works.
- D. An improvement inspection fee shall accompany the submission of the final plat for those developments requiring improvements or repairs.

45.090 - TIME EXTENSION

Prior to the expiration date of approval of the tentative partition plan, an applicant may apply for a time extension.

- A. Requests for time extension shall be filed on forms provided by the Planning Department, and accompanied by the established fee.
- B. Review of requests for time extension shall be reviewed according to the Planning Director Review Procedure.
- C. Review Criteria - In order to approve a request for time extension, the Planning Director must find that:
 - 1. The facts upon which the approval of the tentative partition plan was based have not changed to an extent sufficient to warrant re-submittal of the tentative partition plan;
 - 2. No other development approvals would be adversely affected by the time extension; and
 - 3. The applicant is unable to file the final partition plat due to circumstances beyond his or her control.
- D. A maximum of 3 time extensions may be granted following the date of approval of the tentative partition plan. The cumulative length of time extensions shall not exceed 3 years.
- E. If a request for time extension is denied and the time period for recording the final plat expires, a new partition application must be filed.

45.100 - FINAL PLAT REQUIREMENTS

- A. Original Drawing - The original drawing of a partition plat shall be made in archive quality black ink on minimum 4 mil mylar, 18 inches by 24 inches in size with an additional 3 inch binding edge on the left side. The plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the surveyors certificate and signature, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than 1 inch. The original drawing shall be recorded in the County Clerk's office.
- B. Copy - One exact archival quality copy of the original plat on minimum 4 mil mylar, 18 inches by 24 inches in size shall be submitted to the Planning Director along with the original plat.
- C. Information Shown on the Final Plat
 - 1. The partition number;
 - 2. The name of the person for whom the partition was made;

3. Signature Blocks for the following:
 - a. Planning Director;
 - b. County Surveyor;
 - c. Director of Public Works (if required under Section 45.110(C));
 - d. County Clerk;
 - e. Tax Collector;
 - f. A signed, notarized declaration and surveyor's certificate that meets the requirements of Oregon Revised Statutes Chapter 92.
4. All requirements of ORS Chapter 92, and ORS Chapter 209 where applicable; and
5. Street names adjacent to the partition.
6. For a land partition of rural residential lands, a fifty (50)-foot structural setback shall be indicated from those residential property lines that are contiguous to resource lands.

D. Supplemental Information to be filed with the Final Plat

1. A preliminary title report or partition guarantee issued by a title company in the name of the owner of the land and prepared within 30 days prior to submittal of the final plat showing all parties having any record title interest in the premises and what interest they have.
2. For any lot or parcel created by a partition that is 10 acres or less in size, the applicant shall secure certification in the form of a completed and approved Site Evaluation Report for location and methods of On-Site Sewage Treatment and Disposal Systems from the Klamath County Health Department and/or the Oregon Department of Environmental Quality. The date of site evaluation approval shall be recorded on the Final Plat.
3. Computation sheets showing the bearings, distances and error of closure, if any, and the curve data of each surveyed parcel of the partition and the outside boundary if surveyed (ORS 92.100).

45.110 - FINAL PLAT REVIEW

- A. Approval of the County Planning Director - The Planning Director shall thoroughly review the final plat and supplementary information upon its submission within the required time frame. The final plat shall be signed by the Planning Director if it is in conformance with the tentative partition plan and the requirements of this code.
- B. Approval of the County Surveyor - The County Surveyor shall thoroughly review the final plat and supplementary information to determine that the plat complies with this code and all applicable state statutes. The final plat shall be signed by the County Surveyor if it is correct and in full conformance with this code and applicable state statutes.

- C. Approval by the Director of Public Works on any partition that includes the creation of an access road or easement. The Director of Public Works shall review and sign the final plat if any of the following conditions were required, and have been met:
 - 1. All required easements are recorded; and
 - 2. All required improvements or repairs have been completed, or a performance agreement executed with the Director of Public Works in accordance with Article 15.
- D. Approval of Tax Collector - No subdivision or partition plat shall be recorded unless all ad valorem taxes, including additional taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees, or other charges required by law to be placed upon the tax roll have been paid which have become a lien upon the land or which will become a lien during the tax year. The County Tax Collector shall determine if these taxes have been paid, and if taxes have been paid, shall sign the final plat.
- E. Filing of Final Plat - After obtaining all required approvals and signatures, the applicant shall record the plat with the County Clerk and file an exact copy with the County Surveyor or County Planning Director. The exact copy shall be made in conformance with Section 45.100 and applicable state statutes.
- F. Expiration - Approval of the final plat shall be null and void if the plat is not recorded within 1 year of the final decision of the tentative partition plan unless a time extension has been granted.

45.120 – CREATION OF PARCELS IN RURAL RESIDENTIAL LAND LESS THEN THE MINIMUM LOT SIZE

- A. Lots zoned R-2 and R-5, described in Chapter 50, may be partitioned, resulting in parcels that are less then the minimum lot size if all of the following (1-5) exist:
 - 1. The parcel to be divided has two or more permanent habitable dwellings on it;
 - 2. The permanent habitable dwellings on the parcel to be divided were established before October 4, 2000;
 - 3. Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it;
 - 4. The partition would not create any vacant parcels on which a new dwelling could be established; and
 - 5. Each parcel must have separate septic approval.
- B For the purpose of this rule, “habitable dwelling” means a dwelling that meets the Criteria set forth in ORS 215.283 (t)(A)-(t)(D).

ARTICLE 45.5 PROPERTY LINE ADJUSTMENT

45.510 - PURPOSE

The purpose of this article is to standardize property line adjustment procedures and ensure that the requirements of this code are met. A property line shall be a division line between two units of land, which are in separate ownership.

45.530 – REVIEW PROCEDURE

- A. Initiation - An application for a property line adjustment shall be initiated by the owner, or agent of the owner, of the subject property. An agent's application shall be authorized in writing by the owner.
- B. Filing Fee - An application for a property line adjustment shall be accompanied by a filing fee set by the Board of County Commissioners to defray cost incidental to the review process.
- C. A property line adjustment shall be processed according to a Type I administrative review procedure.
- D. Applicant shall submit the materials described in Section 45.550.
- E. A property line adjustment shall be approved if all criteria in Section 45.540 are met.
- F. Following approval by the Planning Department, the applicant shall:
 - 1. Record the appropriate document with the County Clerk which implements the adjustment shown on the map submitted to the Planning Department;
 - 2. When required, file a survey of the adjusted line, with the County Surveyor; and
 - 3. Provide a copy of the map, and legal description or survey to the County Assessor, County Surveyor and the County Planning Department.

45.540 – REVIEW CRITERIA

- A. No property line adjustment will be approved unless both contiguous parcels are lawfully created;
- B. A property line adjustment shall not result in the creation of a new parcel;
- C. The parcels resulting from the property line adjustment conform to zoning regulation in terms of size, shape and setback requirements;
- D. Adjustments to nonconforming lots or parcels shall not result in greater nonconformity or render

substantially conformed lots or parcel more nonconforming. A reduction in the size of a nonconforming lot or parcel may be approved if it contributes substantially to bringing an adjacent nonconforming parcel closer into conformance;

- E. The property line adjustment will not interfere with any public or private easement; and
- F. Proposed property line adjustments, which have the net result of physically relocating a lot or parcel to a new location shall be reviewed as a land partition.

45.550 - SUBMITTAL REQUIREMENTS

Applicants shall submit to the Planning Department:

- A. Two copies of the site plan conforming to Section 41.060 and showing the lot or parcel sizes; and
- B. A survey of the adjusted line prepared in accordance with ORS 209.250 if either or both parcels affected are 10 acres or less. No survey is required of the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary; or
- C. When no survey is required, a legal description of the proposed adjustment shall be submitted to the County Surveyor.
- D. New deeds need to be recorded with the County Clerk.

ARTICLE 46 LAND SUBDIVISION

46.010 - PURPOSE

The purpose of the land subdivision procedure is to ensure that the division of land into lots for subsequent use and development is conducted in an orderly manner and in compliance with this code and Oregon law.

46.020 - REVIEW PROCEDURE

A preliminary subdivision plat shall be reviewed according to the Planning Commission Review Procedure (Article 26).

46.030 - REVIEW CRITERIA

- A. A subdivision plat may only be approved if it meets all applicable standards and review criteria.
- B. A subdivision plat shall be reviewed against the following criteria:
 - 1. The subdivision development complies with policies of the Comprehensive Plan;
 - 2. The subdivision plat is in conformance with all standards and criteria of this code and applicable state statutes;
 - 3. The site of the proposed subdivision is physically suitable for the type and density of the proposed development;
 - 4. The street plan for the proposed subdivision will permit its development in a safe and efficient manner in accordance with the Comprehensive Plan and this code;
 - 5. The street plan for the proposed subdivision will permit the development of adjoining land in a safe and efficient manner in accordance with the Comprehensive Plan and this code; and
 - 6. The existing and proposed infrastructure and public facilities and services required by this code are adequate to serve the proposed development.

46.040 - PROCESSING

Applications for a subdivision shall be processed as follows:

- A. Initiation - An application for a subdivision shall be initiated by the owner, or agent of the owner, of the property proposed as the site of the subdivision. An agent's application shall be authorized in writing by the owner.

- B. Filing - An application for a subdivision shall be filed on forms provided by the Planning Department, and shall set forth in detail all necessary information, and shall be accompanied by a preliminary subdivision plat drawn to the requirements of Section 46.050 and any other requirements of this code. If the development does not have direct permitted access for the intended use to an established public right-of-way, the applicant shall provide documentation demonstrating proof of legal access. The documentation must be complete, legible, presented in a graphic form and orderly manner, and include source documents such as deeds or grants of easements, neither a preliminary title report nor a title policy shall be considered proof of legal access.
- C. Filing Fee - An application for a subdivision shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- D. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- E. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30 day comment period, which begins on the day the notification letter is sent, has expired.
- F. Time Limitation - No request for a subdivision shall be considered by a review body within a one-year period immediately following a previous denial of such request.

46.050 - PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

- A. Preparation and Submission - The subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as may be necessary to indicate the general subdivision plan and objectives of the development.
- B. Copies - 30 copies of the preliminary subdivision plat and other supplementary materials shall be submitted to the Planning Department.
- C. Drawing Requirements - Preliminary subdivision plats shall be drawn to a standard engineer's scale and show the following information:
 - 1. A tract number obtained from the County Surveyor.

- a. The County Surveyor shall maintain a permanent record of all tract numbers.
 - b. When a number has been assigned by the County Surveyor for the subdivision of a particular parcel or contiguous parcels of land, the subdivider shall place the same number on the preliminary subdivision plat.
 - c. In addition to the number, a name may be used. Such name shall not be the same as, similar to, or pronounced the same as the name of any other subdivision in Klamath County.
2. Date, north point, scale of drawing and a vicinity map sufficient to define the location and boundaries of the proposed subdivision;
 3. Location of the subdivision by section, township and range;
 4. Names, addresses and phone numbers of all owners within the subdivision, the subdivider, (if other than the owner) and the registered surveyor;
 5. Appropriate identification of the map as a preliminary subdivision plat.
- D. Required Information - All preliminary subdivision plats shall show the following information:
1. Existing Conditions:
 - a. The location, width, and names of all existing or platted streets, ways or other public ways within or adjacent to the proposed subdivision, easements, railroad rights-of-way, and other important features, including but not limited to section lines and corners, city and school district boundaries;
 - b. For subdivision within urban growth boundaries, contour lines shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the Director of Public Works:
 - 1) 2 foot contour intervals for ground slopes between 0 percent and 10 percent; or
 - 2) 5 foot contour intervals for ground slopes exceeding 10 percent.
 - c. For subdivisions outside urban growth boundaries, contour lines shall be shown at intervals necessary to properly indicate the ground contour and to design the street pattern and lot layout, and shall be related to some established bench mark or other datum as approved by the Director of Public Works;
 - d. The location and direction of all watercourses including a delineation of the high water mark;

- e. Natural features such as rock outcroppings, wetlands, wooded areas, preservable trees; and
 - f. Existing uses of the property, including the location of all existing structures to remain on the property after platting.
2. Proposed Development:
- a. All streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projected streets;
 - b. The location and width of all existing and proposed easements, including the purpose of such easement;
 - c. Lot layout showing approximate dimensions, minimum lot size, and proposed lot numbers. A subdivision submitted for final approval shall not use block numbers or letters; and
 - d. All land proposed to be reserved by the subdivider for public purposes, showing the location, size and proposed uses.
 - e. For subdivision of rural residential lands, a fifty (50)-foot structural setback shall be indicated from those residential property lines that are contiguous to resource lands.
- E. Accompanying Statement. A separate statement containing the following information shall accompany the preliminary subdivision plat if the following information cannot be shown practically on the preliminary subdivision plat:
1. Proposed uses of the property and present zoning;
 2. Existing and/or proposed deed restrictions, if any;
 3. A statement of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider proposes to use;
 4. A statement of what provisions are proposed for water supply, sewage disposal and drainage;
and
 5. Identification of the irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision.
- F. Drainage Plan. A drainage plan, prepared in accordance with Article 73 shall accompany all preliminary subdivision plats in the Klamath Falls Urban Area.
- G. Evidence that the applicant has contacted the Environmental Health Department regarding the provision of on-site sewage disposal and other requirements, as applicable.

46.060 - PRELIMINARY SUBDIVISION PLAT REVIEW

- A. Review by the Planning Department - Prior to a preliminary plat application being accepted as complete by the Planning Department and a hearing being scheduled before the appropriate review body, the applicant shall conduct a Pre-application Conference with a representative of the Planning Department.
- B. Referral of the Subdivision Plat for Comment - No later than 15 days prior to the scheduled review date, the Planning Director shall furnish 1 copy of the preliminary subdivision plat and supplemental materials to parties interested in or potentially affected by the proposed subdivision for their review and comment.
- C. Property Inspection - All proposed subdivisions may be inspected by the Planning Director, County Surveyor, the Public Works Director, Environmental Health Director, or their authorized representatives prior to the scheduled review date. Unusual conditions that would adversely affect the subject property or adjacent property shall be noted for the record, and appropriate conditions, plans, specifications, and/or improvements developed for consideration of the Planning Commission.
- D. Review by the Planning Commission - The Planning Commission shall review the preliminary subdivision plat and all supplemental materials of Section 46.050, and render a decision pursuant to procedures of Chapter 20.
- E. Conditions - The Planning Commission may grant approval of a preliminary subdivision plat subject to such reasonable conditions based on findings of fact that it deems necessary to ensure compliance with the Klamath County Comprehensive Plan or Land Development Code.
- F. Survey of Lots - Following the approval of a preliminary subdivision plat, the applicant shall cause the lots proposed for creation to be accurately surveyed and monumented in accordance with standards established in Oregon Revised Statutes Chapter 92.
- G. Submission of Final Plat - An applicant for a subdivision shall cause a final plat to be prepared and recorded with the County Clerk within 2 years of the final decision on the preliminary subdivision plat. The applicant shall submit a final plat and all supplementary materials to the Planning Director not less than 60 days prior to the deadline, and shall secure all necessary approvals and signatures within 60 days of submitting the final plan to the County.
- H. Re-submittal - If the time period for recording the final plat expires without an approved time extension, the applicant shall submit a new subdivision application.

46.070 - IMPROVEMENTS

- A. The subdivider shall install all required improvements and repair existing streets and other public facilities damaged in the development of the subdivision prior to submitting the final plat to the

County; or

- B. The subdivider shall execute and file with the Director of Public Works an agreement pursuant to Article 15 of this code which specifies that all required improvements shall be completed within 2 years and providing that if such work is not completed the County may complete the work and recover the full cost and expense from the subdivider.
- C. The installation of all required roads and public facilities, and the repair of roads and public facilities shall be done in accordance with the requirements of the Director of Public Works and this code.
- D. An improvement inspection fee shall accompany the submission of the final plat for those developments requiring improvements or repairs.

46.080 - TIME EXTENSION

Prior to the expiration date of approval of the preliminary subdivision plat, an applicant may apply for a time extension.

- A. Requests for time extension shall be filed on forms provided by the Planning Department, and accompanied by the established fee.
- B. Review of a request for time extension shall be reviewed according to the Planning Director Review Procedure.
- C. Review Criteria - In order to approve a request for time extension, the Planning Director must find that:
 - 1. The facts upon which the approval of the preliminary subdivision plat was based have not been changed to an extent sufficient to warrant re-submittal of the preliminary subdivision plat;
 - 2. No other development approvals would be adversely affected by the time extension; and
 - 3. The subdivider is unable to file the final plat due to circumstances beyond his or her control.
- D. A maximum of 3 one-year time extensions may be granted following the date of approval of the preliminary subdivision plat.
- E. If a request for time extension is denied and the time period for submitting the final plat expires, a new subdivision application must be filed.

46.090 - FINAL PLAT REQUIREMENTS

- A. Conformance to Preliminary Subdivision Plat - The final plat must substantially conform to the approved preliminary subdivision plat and applicable state statutes. A final plat may show a decrease in number of lots or an increase of not more than 10 percent of number of lots from that shown on

the preliminary subdivision plat.

- B. Drawing Requirements - The original drawing of the final plat shall be made in archive quality black ink on minimum 4 mil mylar, 18 inches by 24 inches in size with an additional 3 inch binding edge on the left side. The subdivision plat shall be of such scale as required by the County Surveyor. All information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The original drawing shall be recorded in the County Clerk's office.
- C. Copies - One exact archival quality copy of the original plat on minimum 4 mil mylar, 18 inches by 24 inches in size shall be submitted to the Planning Director along with the original plat. The exact copy shall be filed with the County Surveyor.
- D. Information Shown on Plat - The final plat shall be made to comply with ORS Chapter 92 and include the following:
 - 1. The new number assigned by the County Surveyor, and if applicable, the name of the subdivision, date, scale, north point, legend and controlling topography such as creeks, highways, and railroads;
 - 2. Written legal description of the plat boundaries;
 - 3. The location, names and widths of all streets, existing or being created. For streets on a curve, curvature data shall be based on the centerline;
 - 4. Land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case to be distinguished from lands intended for sale;
 - 5. The following certificates, declarations or affidavits, which may be combined where appropriate, exact as to form and content to those presented in Exhibits I through XIII of this article; and
 - a. A declaration signed and properly acknowledged by all parties having any record title interest in the land to be subdivided, consenting to the preparation and recordation of land shown on the final map plat in accordance with Oregon Revised Statutes Chapter 92;
 - b. A certificate signed by the Registered Land Surveyor responsible for the survey and preparation of the final plat. The signature of such registered surveyor shall be accompanied by his seal;
 - c. A certificate signed by the Director of Public Works certifying that the subdivider has installed improvements or executed a performance agreement in accordance with Article 15.
 - d. A certificate signed by the County Assessor certifying that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the tax roll which became a lien during the calendar year have been paid;

- e. A certificate, on the copy of the final plat, signed by the County Clerk and the Registered Surveyor certifying that the copy is a true and exact copy of the final plat; and
 - f. A certification signed by the subdivider that central water supply and sanitary sewer systems will not be provided and that the Department of Environmental Quality has approved the proposed method or alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755(1)(b);
 - g. A certification by the authorized representative of the agency or authority which will provide these services if water and sewer services are to be provided.
6. Space for signatures of the following: County Surveyor, County Tax Collector, County Planning Director, County Assessor, County Clerk, and the Board of County Commissioners.

E. Supplemental Information to be filed with Final Plat:

1. A preliminary title report or subdivision guarantee issued by a title insurance company in the name of the owner of the land showing all parties having any record title interest in the premises and what interest they have;
2. The computation sheets showing the bearings, distances, and error of closure, if any, and the curve data of each lot in the subdivision, and of the outside boundary;
3. If applicable, a good and sufficient bargain and sale deed, executed to Klamath County, free from all restrictions, outstanding liens and encumbrances, conveying property other than streets, alleys or walkways for public use;
4. A copy of any existing or proposed deed restrictions applicable to the subdivision; and
5. Plans, profiles and specifications, prepared by the engineer showing proposed construction design and standards for all improvements. One reproducible copy of plans, profiles and specifications, prepared by the project's engineer to be submitted to and retained by the Director of Public Works showing proposed construction design and standards for all improvements. After approval by the Director of Public Works, any changes in the design work shall be submitted to, and approved by, the Director of Public Works before construction begins. Approval of the completed improvements shall be made by the Director of Public Works or his authorized representative before the improvements are accepted and performance assurance released.
6. A completed and approved "Evaluation Report for Methods of On-Site Sewage Disposal for a Subdivision" described in ORS 454.755(1)(b); from the Environmental Health Department, if applicable.

7. For subdivision of rural residential lands, a fifty (50)-foot structural setback shall be indicated from those residential property lines that are contiguous to resource lands.

46.100 - FINAL PLAT REVIEW

- A. Approval of the County Planning Director - The Planning Director shall thoroughly review the final plat and supplementary information upon its submission within the required time frame. The final plat shall be signed by the Planning Director if it is in conformance with the preliminary subdivision plat, requirements of this code, and any conditions of approval for the preliminary subdivision plat set by the Planning Commission.
- B. Approval of the County Assessor and County Tax Collector - The County Assessor shall review the subdivision proposal and shall sign the final plat if all required assessments, fees, and charges have been made current. The Tax Collector shall sign the final plat if all required assessments, fees, and charges have been paid.
- C. Approval of the County Surveyor - The County Surveyor shall thoroughly review the final plat and supplemental information to determine that the plat complies with all applicable statutes and provisions, and that the plat is technically correct and within the allowable limits of error prescribed by statutes. The final plat shall be signed by the County Surveyor if the final plat is correct and in full conformance with this code and State Law. The statutory fee for approval shall be submitted to the County Surveyor before certification of the final plat is made.
- D. Approval of the Director of Public Works - The Director of Public Works shall review and sign the final plat if all of the requirements of Section 46.070 and 46.090(E)(5) have been met.
- E. Approval of the Board of County Commissioners - After review of the final plat by the Planning Director, County Assessor, County Tax Collector, County Surveyor, and Public Works Director, the final plat shall be submitted to the Board of County Commissioners. The Board of County Commissioners shall sign the plat and accept it for recordation if the final plat meets all requirements of this code and state statutes.
- F. Filing of Final Plat - After obtaining all required approvals and signatures, the applicant shall record the original plat with the County Clerk and file an exact copy with the County Surveyor. Approval of the final plat shall be null and void if the plat is not recorded within 2 years of the final decision on the preliminary plat. The applicant shall furnish 1 print of the final plat to the County Assessor, the Director of Public Works, and the County Planning Director.
- G. Filing Reports with the State - The subdivider shall file appropriate reports with the State Real Estate Commissioner, in accordance with Oregon Revised Statutes, Chapter 92.

46.110 – Standards for the Conversion of Existing Manufactured/Mobile Home Parks (MHP) to Manufactured/Mobile Home Park Subdivisions (MHPS)

- A. Manufactured/Mobile Home Parks to be converted to a subdivision must have been approved prior

to July 2, 2001 and continue to exist, & either be in compliance with the Land Development Code or an approved nonconforming use. For all proposed conversions the following standards shall be met:

1. The proposed plan does not increase the number of lots, as defined in ORS 446.003, approved for the park, change the boundary lines or make other development changes.
2. Manufactured/Mobile Home Park Subdivisions shall be no less than one acre in size.
3. The average lot size for Manufactured/Mobile Home Park Subdivisions shall be a minimum of 3200 square feet in size.
4. A maximum of ten lots shall be allowed per acre.
5. The average lot width and depth shall be as least 40 feet and 80 feet respectively.
6. All setbacks within the Manufactured/Mobile Home Park Subdivision shall be 5 feet on all sides for each lot.
7. There shall be no less than 10ft between manufactured dwellings on separate lots within the Manufactured/Mobile Home Park Subdivision.
8. No building or structure shall exceed twenty-five feet in height within the Manufactured/Mobile Home Park Subdivision.
9. Sight obscuring screening shall be required for all exterior boundaries of the Manufactured/Mobile Home Park Subdivision as provided in Section 64.060.
10. Areas of ingress/egress for the Manufactured/Mobile Home Park Subdivision shall maintain appropriate vision clearance pursuant to Section 62.060.
11. Vehicular access shall be onto a dedicated street or highway and be subject to the approval of the Klamath County Public Works Director or the State Highway Division.
12. Street width shall be at least 20 feet or 30 feet if on-street parking is permitted.
13. All streets within a Manufactured/Mobile Home Park Subdivision shall remain private streets.
14. For each dwelling within the Manufactured/Mobile Home Park Subdivision there shall be at least two parking spaces provided, on each lot and/or on the street.
15. Play areas and common areas (i.e. places available for all occupants of the Manufactured/Mobile Home Park to use) that are in existence at the time the subdivision conversion occurs shall remain and not be converted to a new use.

16. A Homeowners Association shall maintain all private streets, utilities, common areas and play areas within a Manufactured/Mobile Home Park Subdivision.
 17. Proof of signed Homeowners Association Declarations will be provided to the Planning Department prior to submitting the Final Platt.
 18. Signs may be permitted pursuant to Article 66.
 19. Landscaping is required for Manufactured/Mobile Home Park Subdivisions pursuant to Article 65.
 20. Criteria found in Article 46.050 to 46.060 and 46.080 to 46.100 regarding land subdivisions shall apply to Manufactured/Mobile Home Park Subdivisions.
- B. Once a Manufactured/Mobile Home Park is successfully converted into a subdivision, the Manufactured/Mobile Home Park will not adopt standard zoning but shall conform to the applicable criteria described in Part A and D of this Section, and any additional criteria determined by the Homeowners Association.
- C. Any future expansion of an existing Manufactured/Mobile Home Park Subdivision beyond its original boundary will be treated as a land subdivision and is subject to Article 46 and the zoning provisions of Chapter 50.
- D. New or replaced dwellings within a MHPS may be of any type given that the following standards are met:
1. If the lot size is less than 5,000 square feet the setbacks shall conform to Section 46.110(A)(6) of this Article.
 2. If the lot size is 5,000 square feet or greater, the setbacks of RM zoning pursuant to Article 62 shall apply.
 3. A manufactured home placed in a MHPS shall conform to the standards set forth in Article 84 except as explained in 46.110(D)(4). Note: a MHPS is no longer considered a *designated* Manufactured/Mobile Home Park.
 4. A garage or carport required for dwellings within the UGB pursuant to Article 11 (Single Family Dwelling) and 84.010(A)(7), is not necessary if the lot size is less than 5,000 square feet.

EXHIBIT I (Surveyor's Certificate)

SURVEYOR'S CERTIFICATE

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

I, _____, Surveyor, hereby certify that I have correctly surveyed, subdivided and platted (Number and Name of Subdivision) _____

_____ situated in Section, Township, Range: _____, more particularly described as follows:

(Specific Legal Description)

and that I made such survey and plat by order of and under the direction of the owners thereof; that the size of all lots and the widths of all streets are as shown on the subdivision plat; and that all lot corners, boundary corners and the initial point are marked with proper monuments as provided in ORS 92.060.

Surveyor

Date

EXHIBIT II (Owner's Declaration)

DECLARATION

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

We, _____, husband and wife, being duly sworn, depose and say that we are the owners of (Number and Name of Subdivision), more particularly described in the Surveyor's Certificate, that we did cause the same to be surveyed and platted as shown on the subdivision plat and we do for ourselves, our heirs and assigns, hereby dedicate, donate and convey to the public use forever, all streets, alleys and ways on said plat being subject to:

(List all building setbacks, special restrictions, utility easements, irrigation easements, street reservations, street plugs, covenants, etc.)

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

Be it remembered that on this ____ day of _____, 20____, personally appeared before me _____, husband and wife, who are known to me to be the identical persons described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notary seal this ____ day of _____, 20____.

NOTARY PUBLIC FOR OREGON
My Commission Expires_____

EXHIBIT III (Corporate Owner's Declaration)

DECLARATION

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

This is to certify that (Name of Corporation) is a corporation duly organized and existing under and by virtue of the laws of the State of Oregon, and is the owner of the land described in the Surveyor's Certificate, said lands to be hereafter known as (Number and Name of Subdivision); and said (Name of Corporation) did cause the same to be surveyed and platted as shown on the subdivision plat and does for itself, its transferees, successors, and assigns hereby dedicate, donate, and convey to the public use forever, all streets, alleys and ways on said plat being subject to:

(List all building setbacks, special restrictions, utility easements, irrigation easements, street reservations, street plugs, covenants, etc.)

IN WITNESS WHEREOF, (Name of Corporation) . pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its (Name of Officers) and its corporate seal affixed hereto.

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

Be it remembered that on this _____ day of _____, 20____, personally appeared before me (Corporate Officers) and known to me to be the identical person(s) described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily as such officers on behalf of said corporation by authority of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official notary seal this _____ day of _____, 20____.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT IV (Approvals)

Examined and recommended for approval by the Klamath County Board of Commissioners
this _____ day of _____, 20____.

Planning Director

Examined and recommended for approval by the Klamath County Board of Commissioners
this _____ day of _____, 20____.

County Surveyor

Approved by the Klamath County Board of Commissioners
this _____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS

Chairman of the Board

County Commissioner

County Commissioner

* * * * *

EXHIBIT V (Bonding Agreement)

An agreement and assurance of performance for the installation of (Type of Improvement)
has been executed with the Director of Public Works this _____ day of _____, 20____.

Director of Public Works

Or, if all improvements are installed prior to be submission of the final plat, then the following
statement shall appear:

All improvements have been examined and approved by the Klamath County Director of Public
Works this _____ day of _____, 20____.

EXHIBIT VI (County Assessor's Certificate)

I hereby certify that pursuant to ORS 92.095, all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the (year) tax roll which became a lien on this subdivision or will become a lien during this calendar year but not yet certified to the tax collector for collection, have been paid to me.

County Assessor _____

By _____
Deputy

Date

* * * * *

EXHIBIT VII (County Tax Collector Certificate)

I hereby certify that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed upon the tax roll which have become a lien on this subdivision and that are now due and payable have been paid.

County Tax Collector _____

By _____
Deputy

Date

EXHIBIT VIII (Filing Statement)

Filed for record this _____ day of _____, 20____.

County Clerk _____

By _____
Deputy

* * * * *

EXHIBIT IX (Certification of the Copy)

I do hereby certify that this is a true and exact copy of the original plat _____(Name of Subdivision)_____ as filed with this office.

County Clerk _____

By _____
Deputy

I do hereby certify that this is a true and exact copy of the original plat _____ surveyed, subdivided and platted.

Registered Land Surveyor _____
(signature)

EXHIBIT X (Sewage Disposal System Certificate)

SEWAGE DISPOSAL SYSTEM CERTIFICATE

I, (name of subdivider) , hereby certify that no sewage disposal facility will be provided to the purchaser of any lot depicted on the plat.

Signature of Subdivider

Date

* * * * *

EXHIBIT XI (Sewage Disposal System Certificate)

SEWAGE DISPOSAL SYSTEM CERTIFICATE

I, ~~(city-owned sewage disposal system or by the owner of a privately-owned sewage disposal system that is subject to regulation by the Oregon Public Utility Commission)~~ hereby certify that a sewage disposal system will be available to the lot line of each and every lot depicted on the plat.

Signature

Title

Date

EXHIBIT XII (Water Supply Certificate)

WATER SUPPLY CERTIFICATE

I, _____(name of subdivider)_____, hereby certify that no domestic water supply facility will be provided to the purchaser of any lot depicted on the plat.

Signature of Subdivider

Date

* * * * *

EXHIBIT XIII (Water Supply Certificate)

WATER SUPPLY CERTIFICATE

I, _____(~~city-owned domestic water supply system or the owner of a privately-owned domestic water supply system, subject to regulation by the Oregon Public Utility Commission~~)_____, certify that water will be available to the lot line of each and every lot depicted on the plat.

Signature

Title

Date

ARTICLE 47
CHANGE OF ZONE DESIGNATION (QUASI-JUDICIAL)

47.010 - PURPOSE

The purpose of the quasi-judicial change of zone designation is to provide for revisions to the land use zone designation in response to individual landowner requests and a demonstrated need.

47.020 - REVIEW PROCEDURE

An application for a change of zone designation shall be reviewed according to the Hearings Officer Review Procedure (Article 24).

47.030 - REVIEW CRITERIA

- A. A request for a change of zone designation may only be approved if it meets all applicable review criteria.
- B. A request for a change of zone designation shall be reviewed against the following criteria:
 - 1. The proposed change of zone designation is in conformance with the Comprehensive Plan and does not afford special privileges to an individual property owner not available to the general public or outside the overall public interest for the change;
 - 2. The property affected by the change of zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with such zoning;
 - 3. The property affected by the proposed change of zone designation is properly related to streets and roads and to other public facilities and infrastructure to adequately serve the types of uses allowed in conjunction with such zoning;
 - 4. The proposed change of zone designation will have no significant adverse effect on the appropriate use and development of adjacent properties; and
 - 5. The proposed change is supported by specific studies or other factual information, which documents the need for the change.

47.040 - PROCESSING

Applications for a change of zone designation shall be processed as follows:

- A. Initiation - An application for a change of zone designation may be initiated by the owner, or agent of the owner, of the property proposed for the zone change. An agent's application shall be authorized in writing by the owner.

- B. Filing - An application for a change of zone designation shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be accompanied by a site plan drawn to the requirements of Section 41.060 and any other requirements of this code. If the development does not have direct permitted access for the intended use to an established public right-of-way, the applicant shall provide documentation demonstrating proof of legal access. The documentation must be complete, legible, presented in a graphic form and orderly manner, and include source documents such as deeds or grants of easements, neither a preliminary title report nor a title policy shall be considered proof of legal access.
- C. Pre-application Conference - An application for a change of zone designation shall be subject to the pre-application procedures (Article 21).
- D. Filing Fee - An application for a change of zone designation shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- E. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 business days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- F. Within 5 business days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30-day comment period, which begins on the day the notification letter is sent, has expired.
- G. Time Limitation - No request for a change of zone designation shall be considered by a review body within a one-year period immediately following a previous denial of such request.

ARTICLE 48
CHANGE OF COMPREHENSIVE PLAN DESIGNATION
(QUASI-JUDICIAL)

48.010 - PURPOSE

The purpose of the quasi-judicial change of Comprehensive Plan designation and the corresponding implementing zone designation is to provide for revisions to the Comprehensive Plan map in response to individual land owner requests and changing public needs for the allocation and development of land in the County.

48.020 - REVIEW PROCEDURE

An application for a change of Comprehensive Plan designation may be reviewed jointly according to the Planning Commission Review Procedure (Article 26) and the Board of County Commissioners Review Procedure (Article 28).

48.030 - REVIEW CRITERIA

- A. A request for a change of Comprehensive Plan designation may only be approved if it meets all applicable review criteria;
- B. A request for a change of Comprehensive Plan designation shall be reviewed against the following criteria:
 - 1. The proposed change is supported by specific studies or other factual information, which documents the public need for the change;
 - 2. The proposed change complies with policies of the Comprehensive Plan; and
 - 3. The proposed change complies with the Oregon State wide Planning Goals and Administrative Rules. Exceptions to the Statewide Planning Goals, shall be based upon Statewide Planning Goal 2, Part II (Exceptions) as interpreted by Oregon Administrative Rules (OAR Chapter 660, Division 4).

48.040 - PROCESSING

Applications for a change of Comprehensive Plan designation shall be processed as follows:

- A. Initiation - An application for a change of Comprehensive Plan Designation shall be initiated by the owner, or agent of the owner, of the property proposed as the site of the Comprehensive Plan change. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for a change of Comprehensive Plan designation shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be

accompanied by a site plan drawn to the requirements of Section 41.060 and any other requirements of this code.

- C. Pre-application Conference - An application for a change of Comprehensive Plan designation shall be subject to the provisions of a pre-application conference (Article 21).
- D. Filing Fee - An application for a change of Comprehensive Plan designation shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- E. Incomplete Applications - Applications that are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the applicant shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- F. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30-day comment period, which begins on the day the notification letter is sent, has expired.
- G. Time Limitation - No request for a change of Comprehensive Plan designation shall be considered by a review body within a one-year period immediately following a previous denial of such request.

ARTICLE 49
LEGISLATIVE AMENDMENT TO THE KLAMATH COUNTY
COMPREHENSIVE PLAN, LAND DEVELOPMENT CODE, OR ZONING
MAP

49.010 - PURPOSE

The purpose of amendments to the Klamath County Comprehensive Plan or Land Development Code is to provide for changes based on periodic assessments of development patterns and land use allocations or public need, and in order to carry out the Oregon Statewide Planning Goals or state statutes. Amendments to the Comprehensive Plan shall be based on new information and an overall public need for the change, and shall be made as the result of periodic studies or reviews. Amendments to the Land Development Code shall be made in response to amendments to the Comprehensive Plan, or to provide for the continued efficient administration of this code.

49.020 - REVIEW PROCEDURE

Amendments to the Comprehensive Plan or Land Development Code shall be made according to the Planning Commission Review Procedure (Article 26) and the Board of County Commissioners Review Procedures (Article 28). Public hearings may be scheduled jointly or separately at the discretion of the Board of County Commissioners.

49.030 - REVIEW CRITERIA

- A. An amendment to the Comprehensive Plan or Land Development Code may only be approved if it meets all applicable review criteria.
- B. An amendment to the Comprehensive Plan or Land Development Code shall be reviewed against the following criteria:
 - 1. The proposed amendment is supported by specific studies or other factual information, which documents the public need for the change;
 - 2. The proposed amendment complies with policies of the Comprehensive Plan; and
 - 3. The proposed amendment complies with the Oregon Statewide Planning Goals and state statutes.

49.040 - PROCESSING

Applications for amendments to the Comprehensive Plan or Land Development Code shall be processed as follows:

- A. Initiation by the Planning Director - The Planning Director may initiate proceedings to amend the

Comprehensive Plan or Land Development Code by informing the Planning Commission Chairperson and the Board of County Commissioners Chairperson of the proposal, and acting to schedule a public hearing pursuant to Chapter 30.

- B. Initiation by the Planning Commission - The Planning Commission may direct the Planning Director to prepare amendments to the Comprehensive Plan or Land Development Code for its consideration, and to schedule a public hearing pursuant to Chapter 30.
- C. Initiation by the Board of County Commissioners - The Board of County Commissioners may direct the Planning Director to prepare amendments to the Comprehensive Plan or Land Development Code for the consideration of the Planning Commission and Board of County Commissioners, and to schedule a public hearing pursuant to Chapter 30.
- D. Initiation by a citizen - A citizen may initiate an amendment to the Klamath County Comprehensive Plan and the Land Development Code for the consideration of the Planning Commission and the Board of Commissioners. A public hearing will be scheduled pursuant to Chapter 30. A fee shall be charged for such an application
- E. Amendments to the Urban Growth Boundary or Urban Growth Boundary Management Agreement - Amendments may be initiated by the County, the affected city or by a county or city resident or property owner in accordance with the provisions of the respective County-City Urban Growth Boundary Management Agreement.