

ARTICLE 102- LOT WIDTH

SECTION 102.001 - REQUIRED LOT WIDTH

The required width of a lot or parcel of land shall not be less than the width indicated in this Ordinance except as hereafter provided.

SECTION 102.002 - IDENTIFICATION OR DESIGNATION OF LOT LINES
IN DOUBT

Where the identification or designation of the front, side or rear lot line is in doubt, as in the following situation, the Planning Commission shall determine the identity or designation of lot lines:

- A. Corner lots or parcels of land with two (2) streets and/or highway frontages approximately equal in length.
- B. Through lots or parcels of land fronting on two (2) or more streets and/or highways.
- C. Lots or parcels of land where the only contiguous boundary to a public street or highway is provided by a driveway or other private access, or where said lots or parcels of land have a street or highway frontage of less than thirty-five (35) feet.

SECTION 102.003 - REQUIRED LOT WIDTH REDUCED BY PUBLIC USE

If a lot or parcel of land has not less than the required width and after creation of such lot or parcel of land a portion of its width is acquired for public use in any manner including, but not limited to, dedication, condemnation, or purchase, and if the remainder of such lot or parcel of land has not less than seventy percent (70%) of the required width, but in no event less than thirty-five (35) feet, such remainder shall be considered as having the required width.

SECTION 102.004 - CREATION OF A PARCEL HAVING LESS THAN THE
REQUIRED LOT WIDTH

No person shall divide any lot or parcel of land, and shall not convey any lot or parcel of land or any portion thereof if, as a result of such conveyance the width of any lot or parcel of

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land so reduced or a lot or parcel of land so created, is in violation of the required lot width of the zone in which the property is located.

SECTION 102.005 - RESCISSION OF AGREEMENTS CONTRARY TO LOT WIDTH PROVISIONS

Any deed of conveyance, sale or contract of sale made contrary to the provisions of this Ordinance with regard to lot width is voidable at the sole option of the grantee, buyer or person contracting to purchase or his heirs, personal representative or trustee in insolvency or bankruptcy.

SECTION 102.006 - CONTIGUOUS NARROW LOTS

Where prior to an area being zoned RD 5,000, RD 6,000 or RD 7,000, lots exist not less than one hundred (100) feet in depth, but less than fifty (50) feet in width, if two (2) or more such contiguous lots, or one (1) or more contiguous lots and one (1) or more lots also contiguous thereto which have a depth of not less than one hundred (100) feet, have a total frontage of not less than fifty (50) feet, such lots may be treated and considered as one parcel of land.

ARTICLE 103 - YARDS

SECTION 103.001 - REQUIRED YARDS

Except as otherwise provided hereafter, required yards shall be not less than the dimensions designated in the various zones in this Ordinance.

SECTION 103.002 - SPECIAL FRONT YARD REQUIREMENTS

In the case of a key lot or lots on sloping terrain, the following standards shall prevail:

- A. Key lots - The depth of the required front yards of key lots or parcels of land shall not be less than the average depth of the required front yards of the adjoining interior lot or parcel of land and the required side yards of the adjoining reversed corner lot or parcel of land.
- B. Lots on sloping terrain - The required front yard of a lot or parcel of land need not exceed fifty percent (50%) of the depth required in any zone in which the property is located when either of the following conditions are found to exist:
 - 1. Where the difference in elevation between the curb level and natural ground at a point fifty (50) feet from the front property line measured midway between the side lot lines is ten (10) feet or more; or
 - 2. Where a slope exists of twenty percent (20%) or more from the front property line to a point on natural ground fifty (50) feet from said front property line measured midway between the side lot lines.

SECTION 103.003 - CORNER CUTBACK AREAS

In the case of a corner cutback area, the following provisions shall apply:

- A. The corner cutback area is a reserved open space to insure adequate and safe visibility for vehicular

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and pedestrian traffic at all intersections of streets, alleys and/or private driveways and shall be maintained in the following manner:

1. The corner cutback area shall be kept free of all buildings and structures including solid fencing and landscaping which would constitute a visual obstruction.
2. No landscaping and/or structures permitted within the required corner cutback area shall exceed two (2) feet in height measured from the top of the curb or where no curb exists, from the established street centerline grade except that trees exceeding this height may be located in the corner cutback area provided all branches and foliage are removed to a height of six (6) feet above grade.
3. The corner cutback area shall be designed as a horizontal plane making an angle forty-five degrees (45°) to the side, front or rear property line, as the case may be. Such line shall pass through the closest intersection of yard setback lines at the corner of the lot where visibility is required.

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ARTICLE 104 - BUILDING HEIGHTS

SECTION 104.001 - HEIGHT LIMITATION

Except as otherwise provided hereafter, building heights shall not exceed the height limitations designated in the various zones in this Ordinance except as follows:

SECTION 104.002 - SPECIAL BUILDING HEIGHT EXCEPTIONS

- A. Method of Measurement of Building Height on Sloping Terrain - In any zone where a building is erected on sloping terrain, the height of the building shall be measured from the highest adjoining ground surface level at the base of the building. The building may not exceed the height limit prescribed in the zone nor contain more than the permitted number of stories measured from such point of the building.
- B. Structure Permitted Above Height Limitation - Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, church steeples, flag poles, chimneys, smoke stacks, water tanks, silos, grain elevators, wireless masts, transmitting towers or similar structures may be erected above the height limitation herein prescribed as provided in Article 113 - Variance or Article 114 - Conditional Use Permit provided that the same shall be safely erected and maintained at such height in view of surrounding conditions and circumstances. No buildings or roof structure or any space above the building height limitation shall be allowed for the purpose of providing additional living or floor space.

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ARTICLE 105 - DISTANCE BETWEEN BUILDINGS

(Reserved)

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ARTICLE 106 - FENCES, HEDGES AND WALLS

SECTION 106.001 - REQUIRED AND PERMITTED FENCES

Except as otherwise provided hereafter, permitted or required fences shall not exceed the height limitation designation in the various zones in this Ordinance except as follows:

SECTION 106.002 - SECURITY FENCING

Security Fencing - Security fencing consisting of chain link fencing or similar material shall be permitted at a height in excess of height limitation provided in the various zones with the following exceptions:

1. Security fencing shall not exceed height limitation for fences when located in the required front yard;
2. Security fencing shall not be constructed of materials to form a solid barrier

SECTION 106.003 - FENCING ENCLOSING GAME OR PLAY AREAS

Fences enclosing game or play areas constructed of chain link fencing or the like, may be permitted at a height in excess of the limitations provided in the various zones conditional to the following:

1. Fencing shall not exceed height limitation when located in the required front yard;
2. Fencing shall not be constructed of materials to form a solid barrier

SECTION 106.004 - FENCING ENCLOSING SCHOOL GROUNDS

Fences enclosing school grounds constructed of chain link fencing or similar materials may be erected at a height in excess of the limitations provided in the various zones.

ARTICLE 107 - SIGNS

SECTION 107.001 - PERMITTED SIGNS

No person shall place, erect, construct or otherwise maintain any signs which are not in compliance with the provisions contained in this Ordinance or any other applicable ordinance or statute and except when otherwise indicated in this Ordinance, no outdoor advertising signs or appurtenant structures shall be erected without first securing all necessary permits or licenses.

SECTION 107.002 - SAFETY

No signs or advertising structures shall be permitted that endanger the safety of any person or vehicle as determined by the County Engineer.

SECTION 107.003 - NON-CONFORMING SIGNS

Any sign or advertising structures which shall become classified as non-conforming, shall be altered to conform to the new regulations or shall be required to be amortized and removed within five (5) years.

SECTION 107.004 - MAINTENANCE

All signs and advertising structures shall be maintained in a neat and orderly condition.

SECTION 107.005 - SIGNS AND YARDS

Permitted temporary signs may be placed within any required yard provided said signs are not located nearer to any property lines than one-half the required yard depth for a main building in the zone, but in no event nearer than five (5) feet to any property line.

SECTION 107.006 - DOUBLE FACE SIGNS

Signs may be constructed with two faces and either or both faces may be used.

Signs constructed with two faces where the distance of one face of such sign is more than twelve (12) feet from the second face of said sign shall not be classified as a double face sign.

The face area of a double face sign shall be designated by the area of the larger face.

SECTION 107.007 - ILLUMINATION

Illuminated signs shall be located and the light source shielded in such a manner to prevent glare and annoyance to the public.

SECTION 107.008 - MEASUREMENT

The area of any sign shall be determined as that enclosed by a line delineation, the shortest exterior perimeter of said sign. Signs placed in a manner or bearing a text, as to require dependence upon more than one sign to convey the meaning or intent shall be considered one sign for purpose of measurement. Projecting, free standing signs and the like, only one (1) face shall be counted in computing sign area.

SECTION 107.009 - TEMPORARY SIGNS

Temporary accessory signs not more than twenty (20) square feet in area which denote the architect, engineer, owner and contractor, may be placed upon the site of any building or structure under construction, alteration or in the process of being relocated. Said sign shall be removed from the premises upon the completion of construction, alteration or relocation of the structure.

SECTION 107.010 - EXCLUDED SIGNS

The provisions of this Ordinance pertaining to signs shall not apply to the following signs unless otherwise indicated herein:

1. Official notices issued by any court, public body or public officer;
2. Notices posted for any public officer in performance of a public duty or for any person in giving legal notice;
3. Traffic, directional, warning, informational signs, or advertising structures requested or authorized by the public authority having jurisdiction;
4. Official signs used for emergency purposes only; and
5. Permanent memorial or historical signs, plaques or markers.

ARTICLE 108 - ACCESS

(Reserved)

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ARTICLE 109 - OFF-STREET PARKING AND LOADING

SECTION 109.001 - OFF-STREET PARKING AND LOADING REQUIREMENTS

At the time of the erection of any building and/or structure hereinafter listed, or at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, or at such time a higher usage is applied, there shall be provided for such new construction or intensified use, enlargement or increased capacity and use of land, the following minimum off-street parking spaces and loading areas with adequate provisions for safe ingress and egress. Said parking spaces and loading areas shall hereafter be maintained in connection with such building or structure and use of land.

SECTION 109.002 - REDUCTION OF OFF-STREET PARKING SPACES AND LOADING FACILITIES

No parking or loading area or parking spaces provided for the purpose of complying with the provisions of this Ordinance shall hereafter be eliminated, reduced or converted in any manner below the requirements established in this Ordinance, unless equivalent facilities are provided elsewhere in conformity with the provisions of this Article.

SECTION 109.003 - LOCATION OF PARKING AND LOADING FACILITIES

The location of off-street parking and loading facilities shall be in accordance with the following provisions:

- A. Residential uses - Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garage or carports is permitted.
- B. Uses other than residential - Required parking facilities for uses other than residential shall be located as follows:
 1. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve; or

2. On a lot or parcel of land held under joint ownership, provided such parking or loading facilities are located adjoining the use or uses served; or
 3. On a lot or parcel of land separated only by an alley from the lot or parcel of land on which the use or uses served are located, provided:
 - a. That said lots or parcels of land are in the same or joint ownership and separated only by an alley; or
 - b. That direct vehicular access between said lots or parcels of land would be possible in the event the alley is vacated; or
 - c. That such parking facilities are in close proximity to the actual uses or uses served.
- C. Loading facilities - Required loading facilities shall be located on the same lot or parcel of land as the uses served.

SECTION 109.004 - COMBINED PARKING OR LOADING FACILITIES

The required parking or loading facilities may be provided collectively for two (2) or more buildings or uses located on separate lots or parcels of land, provided that the total number of parking spaces and related facilities does not equal less than the combined requirements of the individual uses.

SECTION 109.005 - REQUIRED PARKING SPACES

The following minimum off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this Ordinance:

- Auditorium, gymnasium, sports arena, stadium, theaters, and similar places of public assembly - One for each three fixed seats and one for each 21 square feet of seating area not containing fixed seats, plus one for each two employees
- Banks, business or professional offices, clothing shops, furniture and appliance stores, hardware stores, house equipment shops, shoe repair shops and similar uses - One for each 300 square feet of gross floor area

Bowling alley - Three for each bowling lane plus one for each employee
 Caretaker's dwelling - Two for each dwelling
 Chapels and mortuaries - One for each three fixed seats and one for each 21 square feet of seating area where there are no fixed seats within the main chapel, and one for each 400 square feet of floor area outside the main chapel
 Child care center or day nursery and similar uses - One for each two employees
 Children's home - One for each two employees on the largest working shift
 Churches - One for each six fixed seats or one for each 300 square feet of gross floor area, whichever amount is greater
 Clubs, fraternity and sorority houses, rooming and boarding houses and similar structures having guest rooms - Two for each three guest rooms, except in the case of dormitories, one for each 100 square feet of floor area
 Colleges and universities, schools, business, professional, special or trade schools - One for each five students which the school buildings and facilities are designed to accommodate
 Dance halls - One for each twenty-one square feet of dance floor area and one for each three fixed seats and for every twenty-one square feet of seating area where there are no fixed seats
 Dwellings - Two for each dwelling
 Golf courses - Ten per hole and one for each twenty-one square feet of building floor area used for public assembly and one for each 400 square feet of building floor area used for other commercial purposes
 Hospitals - One and one-half for each patient bed
 Hotels - One for each two guest rooms, plus one for each employee
 Lodges and meeting halls - One for each three fixed seats and one for each twenty-one square feet of seating area when there are no fixed seats
 Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops and similar uses - One for each two employees on the maximum working shift or not less than one for each 500 square feet of gross floor area, whichever amount is greater

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Medical, dental and professional office - One for each 150 feet of gross floor area

Mobile home parks - Two on each trailer site and in addition thereto, one for each two trailer sites for guest parking. Guest parking shall be conveniently located within the mobile home park

Motels and motor hotels - One for each guest room, plus one for the manager and each employee

Motor vehicle or machinery sales and automotive repair purposes or garages and wholesale activities - One for each 800 square feet of gross floor area or one for each two employees, whichever amount is the greater

Offices, business - One for each 250 square feet of gross floor area

Offices not providing customer services on the premises - One for each four employees or one for each 800 square feet of gross floor area, whichever amount is greater

Public utility facilities including, but not limited to, electrical, gas, water, telephone and telegraph facilities not having business offices on the premises - One for each two employees on the maximum working shift and one for each vehicle in connection with the use

Residential uses, one family dwellings, two family dwellings, and multiple family dwellings - Two per dwelling unit. For each room in a dwelling unit which is rented, one additional

Restaurant, cafe, night clubs, cocktail lounges, taverns and other similar places dispensing food or other refreshments - One for each three fixed seats and for each twenty-one square feet of seating area where there are no fixed seats, and one for each two employees on the maximum working shift

Rest homes - One for each resident

Retail stores - One for each 200 square feet of gross floor area, plus one for each employee

Schools, accredited general curriculum through the twelfth grade - Two per classroom and such additional parking as required herein for auditorium, gymnasium or similar places of public assembly

Service and personal service shops - One for each 300 square feet of gross floor area, plus one for each employee

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Skating rinks, ice or roller - One for each three fixed seats and for each twenty-one square feet of seating area where there are no fixed seats, and one for each 250 square feet of floor area not used for seating
Swimming pool, commercial - One for each 1,000 feet of area on the lot or parcel of land on which said use is established and one for each two employees
Trade schools, business or private - One for each 500 fixed seats or one for each 100 square feet of floor area used for assembly and not containing fixed seats, whichever amount is greater, plus one for each employee
Warehouse and storage buildings - One for each employee and one for each vehicle used in connection with the use

SECTION 109.006 - PARKING SPACE AND AISLE DIMENSIONS

The minimum dimensions of required parking spaces shall be a width of not less than nine (9) feet and a length of twenty (20) feet.

Aisles reserved for the maneuvering of vehicles in conjunction with off-street parking facilities shall be in accordance with the following dimensions:

1. Parking spaces marked at angles from parallel to thirty degrees (30°) shall have a one-way aisle width of not less than fourteen (14) feet;
2. Parking spaces marked at angles from thirty-one degrees (31°) through forty-five degrees (45°) shall have a one-way aisle width of not less than sixteen (16) feet;
3. Parking spaces marked at angles from forty-six degrees (46°) through sixty degrees (60°) shall have a one-way aisle width of not less than eighteen (18) feet; and
4. Parking spaces marked at angles from sixty-one degrees (61°) through ninety degrees (90°) shall have a one-way aisle width of not less than twenty-five (25) feet.

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SECTION 109.007 - DRIVEWAYS SERVING OTHER THAN RESIDENTIAL USES

Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.

SECTION 109.008 - DRIVEWAYS SERVING RESIDENTIAL USES

Driveways serving residential uses shall have a minimum width of not less than nine (9) feet when serving four (4) or less dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu thereof, two (2) separate driveways not less than nine (9) feet in width and unobstructed to a height of eight (8) feet.

SECTION 109.009 - REQUIRED LOADING FACILITIES

The following provisions shall apply to all required loading facilities:

1. The minimum area required for loading spaces shall be not less than two hundred fifty (250) square feet where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.
2. The minimum area required for loading spaces shall be not less than five hundred (500) square feet where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.
3. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet where the gross floor area of all buildings

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on a lot or parcel of land exceeds fifty thousand
(50,000) square feet.

4. The minimum required loading area shall be not less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.
5. The required loading area shall be easily accessible from a street, highway or area.

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ARTICLE 110 - LANDSCAPING

SECTION 110.001 - PROVISIONS

In all areas subject to landscaping as required in this Ordinance, the landscaping shall be developed in accordance with the following provisions:

Maintenance - Required landscaped areas and landscaping shall be maintained in a neat, clean and aesthetic condition.

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CHAPTER 11

ARTICLE 111 - ZONING ORDINANCE AMENDMENT

SECTION 111.001 - INTENT

Any amendment to the text of the Zoning Ordinance which imposes any regulations not theretofore imposed or removes or modifies any regulations theretofore imposed shall be in accordance with this Article.

SECTION 111.002 - PROCEDURE

In the processing of a zoning ordinance amendment, the following procedures shall be followed:

1. **Initiation** - The Planning Commission or Board of Commissioners may initiate proceedings to amend the Zoning Ordinance by a written motion and then conduct public hearings thereon as hereinafter provided, providing that if said Board initiates said amendment it shall first refer said amendment to the Planning Commission for hearing. Said referral shall be in writing stating the text of the amendment and the Planning Commission shall hold a hearing on said referred amendment within a period of sixty (60) days from the date of receipt of said notice.

In the event a decision on said amendment by the Planning Commission is not made within sixty (60) days of the date of receipt of said referred amendment, the Board of Commissioners may proceed to hold public hearings thereon as hereinafter provided.

Any citizen may file a request for an amendment on forms provided by the Planning Department. A public hearing shall be set as provided in Section 111.002, 2. 2 /

2. **Public hearing Date** - When the Planning Commission initiates proceedings for a zoning ordinance amendment, it shall so notify the Planning Director who shall within ten (10) days from delivery of such notice, set a date for public hearing which date shall not be less than fifteen (15), nor more than thirty (30) days after receipt of such notice. 1 /
3. **Notice of hearing** - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other date pertinent to the proposed amendment:

Media - Notice shall be published in a newspaper of general circulation in the County on two (2) consecutive dates not less than five (5) days before the date set for hearing.

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1 / Amended May 24, 1973

2 / Amended December 5, 1973

4. Public hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested zoning ordinance amendment at a time and place designated on the notice of public hearing and after consideration of all pertinent information, announce its recommendation at a regular or adjourned regular meeting.
5. Recommendation of the Planning Commission - The Planning Commission may approve or disapprove a proposed amendment to the Zoning Ordinance and if the recommendation of the Planning Commission is to amend the proposed Ordinance, such action shall require the affirmative vote of not less than two-thirds of the Planning Commission. The recommendations of the Planning Commission shall be filed with the Board of Commissioners within five (5) days.
6. Public hearing date - Upon receipt of the recommendation of the Planning Commission, the County Clerk shall set a date for public hearing before the Board of Commissioners as prescribed in paragraph (2).
7. Notice of hearing - Notice of public hearing before the Board of Commissioners shall be given in the manner prescribed in paragraph (3).
8. Decision of the Board of Commissioners - Upon receipt of the recommendation and after the public hearing, the Board of Commissioners may sustain, reverse or modify the recommendation of the Planning Commission, whereupon, if the Board of Commissioners' action is to authorize a zoning ordinance amendment, such action shall be confirmed by ordinance.
9. Appeal - Appeals from decisions of the Board shall be to Circuit Court.

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ARTICLE 112 - CHANGE OF ZONE

SECTION 112.001 - INTENT

The Board of Commissioners, before it may grant a change of zone, shall determine such change of zone will not be contrary to the intent of the Zoning Ordinance nor in deviation to any land use plans and/or street and highway plans.

The Board of Commissioners, before it may grant a change of zone, shall determine:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
2. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
3. The proposed change of zone will have no adverse effect on any property or the permitted uses thereof, within a seven hundred (700) foot radius excluding highways and rights-of-way; and
4. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

SECTION 112.002 - PROCEDURE

In the processing of change of zone, the following procedures shall be followed:

1. Initiation - An application for a change of zone shall be initiated by the deed holder of the property upon which the change of zone is sought or by the authorized representative of the deed holder. Authorization shall be in writing and filed with the application with the Planning Department. The Planning Commission may initiate a zone change by resolution with the property deed holder's written consent to correct errors in original zoning maps.

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*Amended Article No 112
Southwest Book*

1/ Amended May 24, 1973

2. Filing - An application for a change of zone shall be filed on forms provided by the Planning Department and shall set forth in detail all information requested thereon.
3. Ownership List - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor. 1 /
4. Filing fee - Application for a change of zone with the requested information attached thereto shall be accompanied by a filing fee of \$50.00 to defray costs incidental to the proceedings.
5. Improper application - If it is determined the application does not provide desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.
6. Public Hearing Date - Upon receipt of a valid application, the Planning Director shall, within ten (10) days from the date of receipt thereof, set a date for public hearing before the Planning Commission which date shall be not less than fifteen (15), nor more than thirty (30) days after filing of the application or if no regular meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Commission. 1 /
7. Notice of hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested change of zone:

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1 / Amended May 24, 1973

- a. Media - Notice shall be published in a newspaper of general circulation in the County on two (2) consecutive dates not less than five (5) days before the date set for hearing.
 - b. Mailing - Notice shall be mailed to all owners of property within two hundred fifty (250) feet of the external boundaries of the property affected by the requested change of zone not less than five (5) days before the date set for hearing. 1 /
8. Public Hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested change of zone at the time and place designated on the notice of public hearing, and after consideration of all pertinent information, announce its recommendation at a regular, or adjourned regular meeting.
 9. Recommendation of the Planning Commission - The recommendations of the Planning Commission shall be to approve, conditionally approve, or disapprove the requested change of zone and shall incorporate findings in support of such recommendations. 1 /

The recommendations of the Planning Commission shall, within five (5) days, be filed with the Board of Commissioners and a copy thereof mailed to the applicant at the address shown on the application.

The Planning Commission in approving or conditionally approving a change of zone, may set forth in its recommendations, reasonable conditions which will insure the intent and purpose of the Zoning Ordinance and avoid creation of detrimental effect upon abutting properties.

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1 / Amended May 24, 1973

10. Public hearing date - Upon receipt of the recommendation from the Planning Commission, the County Clerk shall set a date for public hearing before the Board of Commissioners as prescribed in paragraph 6.
11. Notice of hearing - Notice of public hearing before the Board shall be given in the manner prescribed in paragraph 7.
12. Public hearing by Board - The Board shall conduct a public hearing on the requested change of zone and the recommendations of the Planning Commission related thereto and shall hear all pertinent evidence or testimony pertaining to the proposed change of zone.

The Board, at the conclusion of the public hearing or within thirty-five (35) days thereof, shall render a decision.

13. Decision of the Board - The decision rendered by the Board shall sustain, reverse or modify the recommendations of the Planning Commission.

If the Board's action is to authorize or conditionally authorize a change of zone, such action shall be confirmed by ordinance.

14. Appeal - Appeals from decision of the Board shall be to Circuit Court.
15. Limitation - No request for a zone change shall be considered by the Planning Commission on the same property or substantially the same property within one (1) year period immediately following a previous denial of such request except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

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ARTICLE 113 - VARIANCE

SECTION 113.001 - INTENT

The Planning Commission may authorize variance from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this Ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the property is located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and otherwise achieve the purposes of this Ordinance.

A variance may be granted only in the event that all of the following circumstances exist:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;
2. A variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which right is possessed by other property owners under like conditions in the same vicinity and zone.
3. The granting of the requested variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of this Ordinance; and
4. The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship.

SECTION 113.002 - PROCEDURE

In the processing of a variance, the following procedures shall be followed:

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1. Initiation - A request for a variance shall be initiated by a property owner or his authorized agent by filing an application with the Planning Department. The authorization of said agent shall be in writing and acknowledged in the manner provided by law for the acknowledgment of deeds and filed with the application. 2 /

2. Application - An Application for a variance shall be filed on forms provided by the Planning Department and shall set forth in detail all information requested thereon.

3. Ownership List - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor. 1 /

4. Filing fee - Application for a variance with the requested information attached thereto shall be accompanied by a filing fee of fifteen and no/100th dollars (\$15.00) to defray the costs incidental to the proceedings.

5. Improper application - If it is determined the application does not provide desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.

6. Public hearing date - Upon receipt of a valid application, the Planning Director shall, within ten (10) days from the date of receipt thereof, set a date for public hearing, which date shall be not less than fifteen (15) nor more than thirty (30) days after filing of the application or if no regular Planning Commission meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Planning Commission. 1 /

7. Notice of hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested variance:

a. Media - Notice shall be published in a newspaper of general circulation in the County on two (2) successive dates not less than five (5) days before the date set for hearing.

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2 / Amended November 27, 1973

- b. Mailing - Notice shall be mailed to all owners of property within two hundred fifty (250) feet of the external boundaries of the property affected by requested variances not less than (5) days before the date set for hearing. 1/
8. Public Hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested variance at the time and place designated on the notice of public hearing and after consideration of all pertinent information, shall at that time or within thirty-five (35) days thereof, announce its decision at a regular or an adjourned regular meeting.
9. Decision of the Planning Commission - The decision of the Planning Commission shall be to approve, conditionally approve or disapprove the requested variance by a simple majority vote and shall incorporate findings in support of such decision. 1/

The decision shall, within five (5) days be filed with the Board of County Commissioners and a copy thereof mailed to the applicant at the address shown on the application.

The Commission, in approving or conditionally approving a variance, may set forth in its decision, reasonable conditions which will insure against the creation of detrimental effect upon abutting properties. The decision of the Planning Commission may also have incorporated therein a reasonable time limit within which the granted variance and the conditions of approval shall have been complied with. If such have not been complied with within the prescribed time limit, such variance shall be deemed null and void.

10. Appeal from the decision of the Planning Commission - The decision of the Planning Commission shall be final unless the applicant should be dissatisfied with such, whereupon he may appeal the decision to the Board of County Commissioners in writing within fifteen (15) days from the date of mailing of the decision. An appeal from the decision of the Planning Commission may also be filed by an interested party owning property within seven hundred (700) feet of the external boundaries

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of the property affected by the requested variance within the prescribed time limit if such property owner is dissatisfied with the decision.

11. Public hearing date - Upon receipt of an appeal from the decision of the Planning Commission, the County Clerk shall set a date for public hearing before the Board of County Commissioners as prescribed in paragraph 6.
12. Notice of hearing - Notice of public hearing before the Board of County Commissioners shall be given in the manner prescribed in paragraph 7.
13. Public hearing by Board of County Commissioners - The Board of County Commissioners shall conduct a public hearing on the appeal from the decision of the Planning Commission at the time and place designated on the notice of public hearing and shall review the decision of the Planning Commission and all pertinent evidence or testimony related to the requested variance. The Commissioners, at the conclusion of the public hearing or within thirty-five (35) days thereof, shall render a decision upon the appeal.
14. Decision of the Board of County Commissioners - The decision rendered by the Board of County Commissioners shall sustain, reverse or modify the decision of the Planning Commission and, by resolution, the Board of County Commissioners shall set forth its findings. The findings of the Board of County Commissioners shall be mailed to the applicant, within five (5) days from the date of decision.
15. Voiding of a variance - The Planning Commission or the Board of Commissioners with or without recommendation from the Planning Commission, may, without public hearing, void any variance previously granted for non-compliance with the conditions set forth in the granting of a variance. Written notice of the intentions of the Planning Commission or Board of County Commissioners to void a variance shall be mailed to the applicant not less than five (5) days before formal action to void a variance.

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16. Prior variance - Any variance granted pursuant to a zoning ordinance enacted prior to the effective date of an ordinance establishing these proceedings shall be construed to be a variance in full effect unless otherwise voided pursuant to paragraph 15.
17. Limitation -- No request for a variance shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request except the Planning Commission may consent to a new hearing, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

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ARTICLE 114 - CONDITIONAL USE PERMIT

SECTION 114.001 - INTENT

A conditional use permit to allow uses listed in the various zones subject to a conditional use permit may be granted by the Planning Commission only pursuant to Article 114 of this Ordinance or as such may be amended.

The Planning Commission, before it may grant a conditional use permit, shall determine:

1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required to adjust said use with land and uses in the neighborhood.
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. The proposed use will have no adverse effect on abutting property or the permitted use thereof.
4. The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

SECTION 114.002 - PROCEDURE

In the processing of a conditional use permit, the following procedures shall be followed:

1. Initiation - An application for a conditional use permit shall be initiated by the owner of the property for which the conditional use permit is sought or by the representative of the owner. The authorization of said agent shall be in writing and acknowledged in the manner provided by law for the acknowledgment of deeds and filed with the application.
2. Filing - An application for a conditional use permit shall be filed on forms provided by the Planning Department and shall set forth in detail all the information requested thereon. 1/

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3. Ownership list - The ownership list shall consist of the names and addresses of all deed holders of property situated within two hundred fifty (250) feet of the external boundaries of the property affected by the application as such names and addresses are shown on the last preceding tax roll of the Klamath County Assessor. 1 /
4. Filing fee - Application for a conditional use permit with the requested information attached thereto shall be accompanied by a filing fee of thirty dollars (\$30.00) to defray the costs incidental to the proceedings.
5. Improper application - If it is determined that the application does not provide the desired information nor have attached thereto other pertinent data requested, the application and filing fee shall not be accepted.
6. Public hearing date - Upon receipt of a valid application, the Planning Director shall within ten (10) days from the date of receipt thereof, set a date for public hearing, which date shall be not less than fifteen (15) nor more than thirty (30) days after filing of the application, or if no regular Planning Commission meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the Planning Commission. 1 /
7. Notice of hearing - Notice of public hearing before the Planning Commission shall be given in the following ways and shall contain the time and place of the hearing and other data pertinent to the requested conditional use permit:
 - a. Media - Notice shall be published in an adjudicated newspaper of general circulation in the county on two (2) successive dates not less than five (5) days before the date set for hearing.

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b. Mailing - Notice shall be mailed to all deed holders of property within two hundred fifty (250) feet of the external boundaries of the property affected by the requested conditional use permit not less than five (5) days before the date set for hearing. 1 /

8. Public hearing by Planning Commission - The Planning Commission shall conduct a public hearing on the requested conditional use permit at the time and place designated on the notice of public hearing and after consideration of all pertinent information, shall at that time or within thirty-five (35) days thereof, announce its decision at a regular or an adjourned regular meeting.

9. Decision of the Planning Commission - The decision of the Planning Commission shall be to approve, conditionally approve, or disapprove the requested conditional use permit by a simple majority vote and shall incorporate findings in support of such decision. 1 /

The decision shall within five (5) days be filed with the Board of County Commissioners and a copy thereof mailed to the applicant at the address shown on the application. 1 /

The Planning Commission, in approving or conditionally approving a conditional use permit, may set forth in its decision, reasonable conditions which will insure the intent and purpose of the zoning ordinance and avoid the creation of detrimental effect upon abutting properties which may include, but not be limited to:

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Regulation of use or uses
Special yards, spaces and buffers
Fences, hedges and walls
Surfacing of parking areas
Requiring street, service road or alley
dedications and improvements or appropriate bonds.
Regulation of points of vehicular ingress
and egress
Regulation of signs
Requiring landscaping and maintenance thereof
Requiring maintenance of the grounds
Regulation of noise, vibration, odors, etc.
Regulation of time for certain activities
Time period within which the proposed use
shall be developed
Duration of use
Such other conditions as will make possible
the development of the County in an orderly
and efficient manner and conformity with
the intent and purposes of applicable
ordinances

The decision of the Planning Commission may also have incorporated therein a time limit within which the granted conditional use permit and the conditions of approval shall have been complied with. If such have not been complied with within the prescribed time limit, such conditional use permit shall be deemed null and void.

10. Appeal from the decision of the Planning Commission-
The decision of the Planning Commission shall be final unless the applicant should be dissatisfied with such, whereupon he may appeal the decision to the Board of County Commissioners in writing within fifteen (15) days of the date of mailing of the decision. An appeal from the decision of the Planning Commission may also be filed by an interested party owning property within seven hundred (700) feet of the external boundaries of the property affected by the requested conditional use permit within the prescribed time limit if such owner is dissatisfied with the decision.

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11. Public hearing date - Upon receipt of an appeal from the decision of the Planning Commission, the County Clerk shall set a date for the public hearing before the Board of County Commissioners as prescribed in Paragraph 6.
12. Notice of hearing - Notice of public hearing before the Board of County Commissioners shall be given in the manner prescribed in Paragraph 7.
13. Public hearing by Board of County Commissioners - The Board shall conduct a public hearing on the appeal from the decision of the Planning Commission at the time and place designated on the notice of the Planning Commission and all pertinent evidence or testimony related to the requested Conditional Use Permit. 1 /

The Board, at the conclusion of the public hearing, or within thirty-five (35) days thereof, shall render a decision upon the appeal.

14. Decision of the Board of County Commissioners - The decision rendered by the Board of County Commissioners shall sustain, reverse or modify the decision of the Planning Commission and by resolution, the Board of County Commissioners shall set forth its findings. The findings of the Board of County Commissioners shall be mailed to the applicant and the appellant, if other than the applicant, within five (5) days from date of decision.
15. Voiding of a conditional use permit - The Planning Commission, or the Board of County Commissioners, with or without recommendation from the Planning Commission, may, without public hearing, void any conditional use permit previously

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granted for noncompliance with the conditions set forth in the granting of a conditional use permit. Written notice of the intentions of the Planning Commission to void a conditional use permit shall be mailed to the applicant not less than five (5) days before formal action to void a conditional use permit.

16. Prior conditional use permit - Any conditional use permit granted pursuant to a zoning ordinance enacted prior to the effective date of an ordinance establishing these proceedings shall be construed to be a conditional use permit in full effect unless otherwise voided pursuant to Paragraph 15.
17. Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deed holder shall be considered in accordance with the procedure of this Article as though a new Conditional Use Permit were being applied for. 1/

18. Appeal - Appeals from decisions of the Board shall be to Circuit Court. 1/

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ARTICLE 115 - WAIVER OF FEES

SECTION 115.001 - INTENT

The intent of fees established in this Ordinance is to assure that those who benefit from variance, zone changes and other similar actions help pay for the cost associated with such actions. The intent of this Article is to assure that no citizen or group is denied access to due process of law through an inability to pay for such services.

SECTION 115.002 - PROCEDURE

When an individual or group requests an action under this Ordinance for which a fee is required, the Board is hereby authorized to inquire into hardships which may be caused by the payment of such fees and may instruct that all or any part of such fee is to be waived.

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ARTICLE 116 - TEMPORARY PERMITS

SECTION 116.001 - Granting of Permits Subject to Conditions

A temporary permit shall be requested in writing by letter, and may be granted by the Board after public hearing for uses of land or temporary structures or existing buildings which to not conform with the districts or regulations herein prescribed. The Board may, at its discretion, refer such requests to the Planning Commission for public hearing. A temporary permit shall be subject to any and all conditions made a part of said permit, said conditions to be imposed so the temporary structure or use will not be detrimental to the livability or appropriate development of the area but will be compatible with abutting properties and the surrounding neighborhood for the duration of the permit. Temporary permits should ordinarily only be granted for structures and uses in an undeveloped or underdeveloped part of the County. Upon provisionally approving any temporary permit, a copy of said permit shall be mailed to deed holders of property within two hundred fifty (250) feet of the applicant's property together with a notice giving said deed holders the right to appeal to the Board for reconsideration within ten (10) days from the provisional approval mailing date. Temporary permits shall be filed in the Klamath County Deed Records after expiration of the ten (10) day appeal period before the permit becomes effective. The terms and conditions of the temporary permit shall run with the land.

1 /

SECTION 116.002 - Time Limitations

No temporary permit shall be granted to exceed a five-year period, but may thereafter be extended, after hearing, on a year-to-year basis.

1 /

SECTION 116.003 - Bond Requirement

The posting of a bond for the fulfillment of any other conditions deemed necessary to insure the removal of the temporary structure or use at the expiration of the temporary permit or upon the revocation of the temporary permit may be required at the discretion of the Board of County Commissioners.

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SECTION 116:004 - Revocation

A temporary permit may be revoked by the Board after public hearing upon the basis of any one or more of the following: 1 /

1. Violation of any of the provisions of this Zoning Ordinance, not consistent with the temporary permit. 1 /
2. Failure to comply with any prescribed condition of the temporary permit. 1 /
3. The structure or use for which the permit was granted has ceased to exist or has been suspended for a period of more than six months. 1 /
4. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a public nuisance. 1 /

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C H A P T E R 12

ARTICLE 120 - NON-CONFORMING LOTS, BUILDINGS AND USES

SECTION 120.001 - INTENT

It is specifically intended at the effective date of this Ordinance that no use shall be made non-conforming. In the event that the Planning Commission or Board of Commissioners should find it necessary in the future to create non-conforming uses, it is the intent of this article to provide such procedures for the purpose of protecting the public health, safety, and general welfare and to provide non-conforming rights to such lots, buildings, and uses to permit equitable amortization of such.

SECTION 120.002 - "GROUP A" NON-CONFORMING LOTS, BUILDINGS AND USES

"Group A" non-conforming lots, buildings and uses are those which are generally not detrimental to the surrounding land uses and the development of property or applicable regulations in the zone in which they may be located; they may be continued and under certain conditions as hereinafter provided, altered or enlarged.

- A. "Group A" non-conforming lots are those lots which do not conform to the provisions of the property development standards pertaining to the lot area and lot dimension standards for the zone in which they are located. The uses permitted in the zone shall be permitted on such lots, subject to all other provisions of the zone applicable to the property.
- B. "Group A" non-conforming buildings are those buildings which do not conform to the property development standards pertaining to building height, yards, distance between buildings, off-street parking facilities for the zone in which they are located. Such buildings shall be permitted to continue, provided that any addition, alteration, or enlargement thereto shall comply with all provisions of the zone in which they are located. The alteration of buildings within the required setback areas shall not be permitted without the prior approval of the Planning Commission. When any "Group A" non-conforming building is removed from the land, all future buildings or structures erected on such land shall conform to all provisions of the zone.

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C. "Group A" non-conforming uses:

1. In residential zones, "Group A" non-conforming uses of buildings are those uses which do not conform to provisions of the zone in which they are located. Buildings containing such uses may be altered, provided that the dwelling or rental unit density shall not be increased.
2. In commercial and industrial zones, "Group A" non-conforming uses of buildings are those uses which are not listed as permitted but which are of the same general type (i.e., commercial uses in a commercial zone) and are determined by the Planning Commission not to be detrimental to the public health, safety and general welfare and to neighboring uses. Such uses may be continued, altered or enlarged subject to the provisions of the zone in which it is located.

SECTION 120.003 - "GROUP B" NON-CONFORMING BUILDINGS AND USES

"Group B" non-conforming buildings and uses are those which are detrimental in the zone in which they are located; they shall be terminated or removed within a specified period. Said period shall be determined from the effective date of this Ordinance or from the date such use or building becomes non-conforming, whichever is the latter.

A. "Group B" non-conforming buildings:

1. In residential zones, industrial buildings, agricultural buildings and commercial buildings other than those specifically permitted shall be classified as "Group B" non-conforming.
2. The following time limit shall be applied to all "Group B" non-conforming buildings. This timetable is deemed to provide for the amortization of the affected building. On or before the termination of said period such buildings shall be removed from the land unless an extension of time is otherwise granted by the Planning Commission pursuant to the provisions relative to Variance.

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The types of construction hereinafter denoted are those as defined in Volume I of the Uniform Building Code:

- a. Type 1 and 2 construction - Twenty (20) years
 - b. Type 3 and 4 construction - Fifteen (15) years
 - c. Type 5 construction - Ten (10) years
3. When said non-conforming building is removed from the land, at or before the end of the amortization period, every future building and use shall be in conformity with the provisions of the zone in which the property is located.
- B. "Group B" non-conforming uses:
1. "Group B" non-conforming uses shall be those uses in any zone which are expressly prohibited and those other uses which are not provided specifically for in said zone.

SECTION 120.004 - NON-CONFORMING USE OF LAND

A non-conforming use of the land, where, (1) no buildings or structures are involved; or (2) the only buildings employed are accessory or incidental to such use, shall, when deemed by the Board of County Commissioners to be detrimental to the public health, safety and welfare within five (5) years, be completely terminated or so altered that it will be in conformity with the provisions of the zone.

Such non-conforming use of land shall not be expanded in any way either on the same, or adjoining property.

If such non-conforming use of land is discontinued for a period of one year, any further use of the land shall be in conformity with this Ordinance.

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SECTION 120.005 - NON-CONFORMING SIGNS AND ADVERTISING STRUCTURES

Signs which do not conform to this Ordinance but which lawfully existed and were maintained on the effective date of this Ordinance shall, within five (5) years, be removed or made to conform.

During the interim period, said non-conforming signs shall be kept in good repair and visual appearance and no structural alteration or additions shall be made thereto.

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SECTION 120.006 - NON-CONFORMING OFF-STREET PARKING AND LOADING FACILITIES

Existing buildings whose off-street parking or loading facilities do not conform to the provisions of this Ordinance may be expanded or facilities added, provided the requirements for off-street parking and loading space shall have been complied with for those facilities added or enlarged.

SECTION 120.007 - NON-CONFORMING OUTDOOR STORAGE

Existing uses involving outside storage not conforming to the provisions of this Ordinance shall, within two (2) years, bring the premises into conformity with requirements of this Ordinance provided that should the uses on the premises be expanded or the building so altered as to require a building permit, then the owner shall comply with the applicable provisions at that time.

SECTION 120.008 - REVERSION

Any portion of a non-conforming building or use which is altered or changed to a conforming use, shall not thereafter be used for a non-conforming use.

SECTION 120.009 - RECONSTRUCTION OF DAMAGED BUILDINGS

A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or lightning or other calamity to the extent of not more than eighty-five percent (85%) of its assessed value at that time, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such destruction may be continued or resumed provided that the total cost of such reconstruction does not exceed eighty-five percent (85%) of the assessed value of the building or structure at the time of such damage, and that such restoration is started within a period of one (1) year. In the event such damage or destruction exceeds eighty-five percent (85%) of the assessed value of such building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations of the zone in which it is located.

SECTION 120.010 - NON-CONFORMING USES UNDER VARIANCE OR CONDITIONAL USE PERMIT

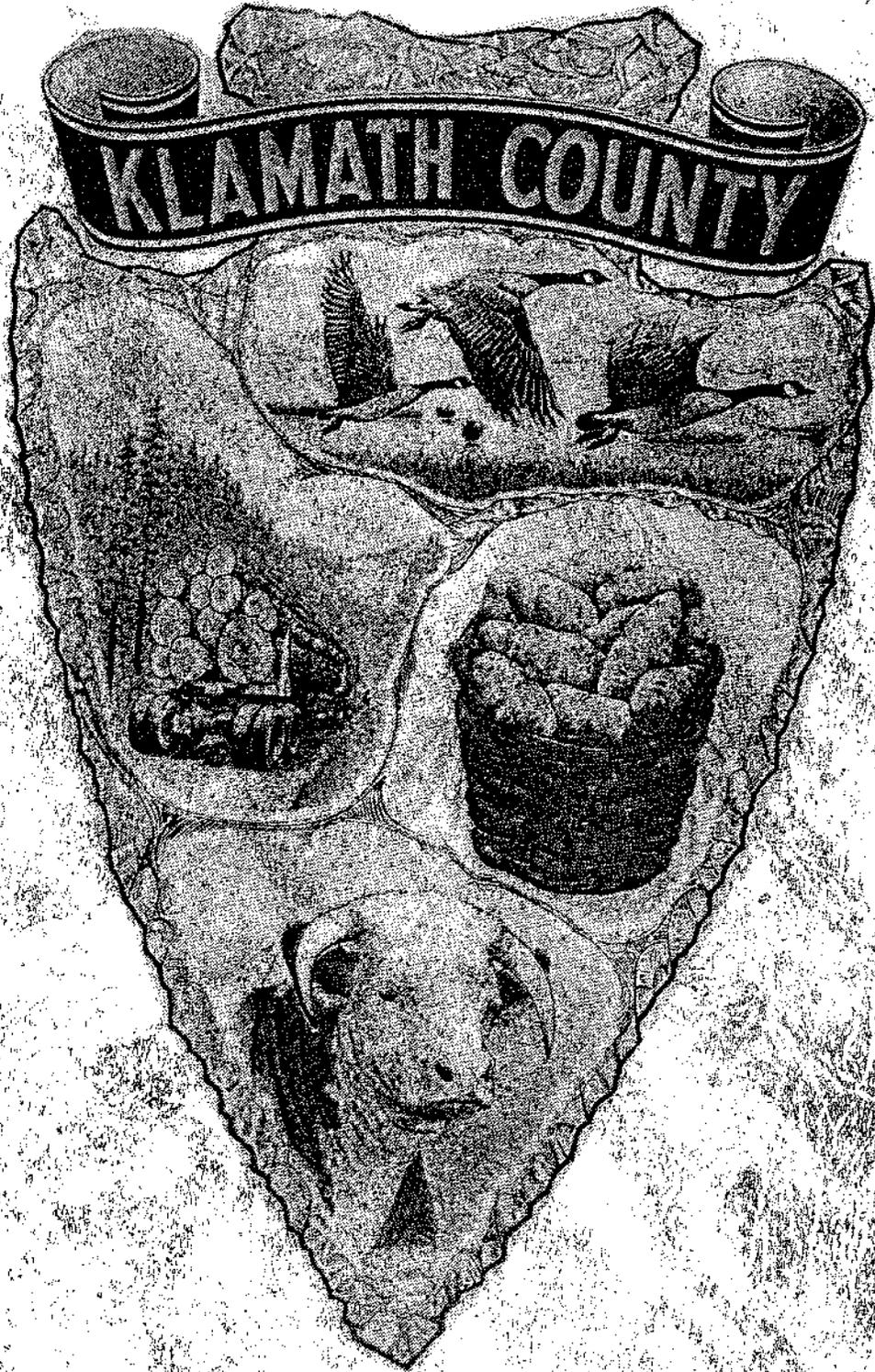
The non-conforming uses and buildings which are existing under a variance or a conditional use permit granted under this or any previous ordinance shall be permitted to continue under the conditions and regulations imposed in said permit or variance.

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KLAMATH COUNTY
SUBDIVISION ORDINANCE - 1969

Approved Copy

Exhibit "B"



SUBDIVISION ORDINANCE -- 1969

SUBDIVISION ORDINANCE
KLAMATH COUNTY, OREGON
AS REVISED OCTOBER 8, 1969

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KLAMATH COUNTY SUBDIVISION ORDINANCE

ORDINANCE NO. 14

AN ORDINANCE PROVIDING REGULATIONS AND PROCEDURES FOR THE SUBDIVISION OR PARTITIONING OF LAND IN KLAMATH COUNTY, OREGON

WHEREAS, the Board of Commissioners of Klamath County, Oregon, pursuant to Oregon Revised Statutes, Chapter 92, deems it necessary for the orderly partitioning and/or development of lands within Klamath County, Oregon, and to provide for the public health, safety and welfare of the people of Klamath County, Oregon; and

WHEREAS, prior to the submission hereof to the Board of Commissioners, this Ordinance was referred to the County Planning Commission, which Commission, pursuant to Oregon Revised Statutes, Chapter 215, did thereupon consider the same and did make and file with the Board of Commissioners, their report and recommendations thereon, and the Board of Commissioners having considered the provisions thereof and the report and recommendations of the Planning Commission, all as provided by law; Now, Therefore,

The Board of Commissioners of Klamath County, Oregon, does by Resolution and Order, ordain as follows:

SECTION 1.00 PURPOSE

This Ordinance is enacted for the purpose of providing regulations and procedures for the partitioning and/or development of land in Klamath County, State of Oregon.

With the adoption of these regulations property values will be protected; the health, safety and general welfare of the people of Klamath County will be protected; subdivision of land in Klamath County, Oregon, as provided in ORS Chapters 92, 215 and 756 will be under uniform standards; land descriptions will be simplified and more certain; and adequate transportation, water supply, sewerage, drainage, recreational, educational and other facilities and needs of the people of Klamath County will be provided for.

The Planning Commission of Klamath County, State of Oregon, hereinafter referred to as the "Planning Commission", or such other agency or authority as provided for herein shall act as an agency of the Board of Commissioners with respect to subdivision and/or the partitioning of land, as provided in Oregon Revised Statutes.

It shall be unlawful to subdivide land or to partition land as hereinafter classified, other than for agricultural purposes, without

approval of the Planning Commission or such other agency or authority as provided for herein, and the Board of Commissioners, as hereinafter set forth.

SECTION 2.00 DEFINITIONS

As used in this Ordinance, the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context requires otherwise, shall be deemed to have the meaning ascribed to them as follows:

- 2.01 AGRICULTURAL PURPOSES shall mean the predominate and gainful use of land for the following purposes: The growing of hay, grain, seed, row crops, horticultural crops, livestock, poultry and produce.
- 2.02 ALLEY shall mean a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- 2.03 ARTERIAL shall mean a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
- 2.04 BLOCK shall mean an area of land within a subdivision which area may be entirely bounded by streets, highways or ways, (except alleys) and the exterior boundary or boundaries of the subdivision.
- 2.05 BLOCK LENGTH shall mean the distance, measured along all or one side of a street, which is between two intersecting or intercepting streets, or between an intersecting or intercepting street and railroad right-of-way, water course, body of water or unsubdivided acreage.
- 2.06 BOARD OF COMMISSIONERS shall mean the Board of County Commissioners of Klamath County.
- 2.07 BUILDING LINE shall mean a line on a plat indicating the limit beyond which building or structures may not be erected.
- 2.08 COLLECTOR shall mean a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
- 2.09 CONDOMINIUM shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest.

space in a residence or dwelling unit and may include in addition, a separate interest in other portions of such real property.

- 2.10 CORNER LOTS shall mean a lot of which two or more connecting sides abut a street.
- 2.11 CUL-DE-SAC shall mean a short street having one end open to traffic and being terminated by a vehicle turnaround.
- 2.12 DESIGN shall mean design of any street or alley alignments, grade or width, alignment of width of easements and right-of-ways for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.
- 2.13 DEVELOPER shall mean the same as subdivider, or if not creating a subdivision, a person who as a result of such subdivision proposes to, or does develop the land, whether it be for public or private purposes.
- 2.14 DEVELOPMENT PLAN shall mean the development plan promulgated by the Planning Commission and adopted by the Board of Commissioners for the guidance of the growth, development, and improvement of the County, including adjustments made from time to time to meet changing conditions or unanticipated problems and conditions affecting the public.
- 2.15 DRAINAGE, STORM DRAINS, STORM WATER CHANNELS shall mean an existing, or proposed open ditch, open culvert or open channel created, designed or constructed to transmit water for flood control or irrigation purposes.
- 2.16 EASEMENT shall mean a grant of the right to use a strip of land for specific purposes.
- 2.17 FUTURE STREET shall mean a proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.
- 2.18 Reserved.
- 2.19 HALF STREET shall mean a portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.
- 2.20 IMPROVEMENTS shall include and may not be limited to curbs,

gutters, sidewalks, street lights, street signs, road-bed, road surface, storm drains and appurtenances, fire hydrants, sanitary sewers and appurtenances, and underground utilities.

2.21 Reserved.

2.22 Reserved.

2.23 LOT shall mean a parcel of land intended as a unit for transfer of ownership or for development.

2.24 MARGINAL ACCESS STREET shall mean a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic

2.25 MEDIAN shall mean that portion of a divided highway separating the traveled ways for traffic progressing in opposite directions.

2.26 MINOR STREET shall mean a street intended exclusively for access to abutting properties.

2.27 Reserved.

2.28 OFFICIAL MAP shall mean any map adopted by the Board of Commissioners which has depicted thereon existing or proposed street or highway location and designation, land use zoning, building and setback lines, house numbering and such other information pertaining to the development of land, a copy of which is on file in the office of the County Clerk, County Engineer and Planning Director.

2.29 OWNER shall mean the individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

2.30 PARTITION shall mean to divide.

2.31 PEDESTRIAN WAY shall mean a right-of-way reserved for pedestrian traffic.

2.32 PERSON shall mean any individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

2.33 PLANNING DIRECTOR shall mean the Planning Director of Klamath County.

- 2.34 PLAT shall mean the final map, diagram, drawing, replat, or other writing containing all the descriptions, location, specifications, dedications, provisions and information concerning the subdivision which the subdivider submits for approval and intends to record in final form.
- 2.35 Reserved.
- 2.36 REVERSED CORNER LOT shall mean a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
- 2.37 RIGHT-OF-WAY shall mean the area between boundary lines of a street, way or other easement.
- 2.38 ROADWAY shall mean the portion or portions of street right-of-way developed for vehicular traffic.
- 2.39 RURAL AREA shall mean all of the area of Klamath County outside of the boundaries of incorporated cities and outside the boundary of the "urbanized area", herein so defined.
- 2.40 SECRETARY OF THE PLANNING COMMISSION shall mean the Planning Director of Klamath County.
- 2.41 SEPARATOR shall mean a device used to separate traffic, utilities, waterways, etc.
- 2.42 SIDEWALK shall mean a pedestrian walkway with permanent surfacing.
- 2.43 STREET shall mean the entire width between the boundary lines of every public way provided for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.
- 2.44 STREET PLUG OR RESERVE STRIP shall mean a narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which lands shall be placed within the jurisdiction of the Board of Commissioners for disposal under conditions approved by the Planning Commission.
- 2.45 SUBDIVIDE shall mean, as applied to this Ordinance, to effect a subdivision.
- 2.46 SUBDIVIDER shall mean any person, as defined herein, who

undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

2.47 SUBDIVIDE LAND shall mean to partition a parcel of land into four (4) or more parcels of less than five (5) acres each, for other than agricultural purposes, for the purpose of transfer of ownership, building development, or lease, whether immediate or future.

2.48 SUBDIVISION shall mean an act of subdividing land, or a tract of land subdivided.

2.49 THROUGH LOT shall mean a lot having frontage on two (2) parallel or approximately parallel streets other than alleys.

2.50 URBAN AREA shall mean all of the area in Klamath County, outside the boundaries of incorporated cities, being situated in the following U. S. Government sections:

Township 39 South, Range 9 East, W.M., Sections 1 through 36.

Township 39 South, Range 10 East, W.M., Sections 6 through 9, Sections 15 through 22, and Sections 27 through 34.

Township 39 South, Range 8 East, W.M., Section 1, Section 11 through 14, Sections 22, 23, 27, 28, 32, 36, the S1/2 of Section 29, and the N1/2 of Section 33.

Township 38 South, Range 8 East, W.M., Sections 1, Section 10 through 15, Sections 23 through 25, Sections 36, the N1/2 of Section 22 and the N1/2 of Section 26.

Township 38 South, Range 9 East, W.M., S1/2 of Section 6, Section 7, Sections 15 through 22, Sections 26 through 36.

2.51 Reserved.

2.52 Reserved.

2.53 Reserved.

2.54 Reserved.

2.55 Reserved.

SECTION 3.00 SCOPE OF REGULATIONS

As authorized by law, including ORS Chapter 92 and ORS Chapter 215, all subdivision plats, all partitioning of land for the purpose of transfer, sale, lease or building development, including condominiums, and all partitioning which includes the creation of streets and ways, shall be subject to the provisions of this Ordinance and shall be approved by the Planning Commission of Klamath County in accordance with these regulations regarding subdivisions or by such other person or persons as provided herein.

A person desiring to subdivide land in Klamath County or desiring to partition land for the purpose of transfer, sale, lease or building development, including condominiums, or desiring to create a street or way by partitioning land in Klamath County, shall submit preliminary plans and final documents for approval, as provided in this Ordinance and by state law.

These regulations apply to all land within Klamath County except those lands which are controlled by the Planning Commission of an incorporated city.

SECTION 4.00 PROCEDURE FOR PREPARATION, SUBMISSION AND REVIEW OF PRELIMINARY PLAT

4.01 Preparation and Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as may be required to indicate the general subdivision plan and objectives of the development. Twenty (20) copies of the preliminary plat and one sepia print shall be submitted to the County Planning Department at least fourteen (14) days prior to the regular Planning Commission meeting at which consideration of the plat is requested.

4.02 Information to be Required. The following information shall be shown on the preliminary plat:

- (a) The preliminary plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet. The scale may be increased or decreased, but in all cases shall be in multiples of ten (10);
- (b) A tract number or numbers shall be obtained from the County Surveyor which number, if not used within two (2) years from the date issued, shall become null and void.

In addition to the number, a name may be used, however, such name shall not duplicate or resemble the name of any other subdivision in Klamath County.

The surveyor shall maintain a permanent record of all tract numbers.

When a number or numbers have been assigned by the surveyor for the subdivision of a particular parcel of contiguous parcels of land, the subdivider shall place same upon each preliminary plat of the subdivision and neither the number or numbers, nor the area of the parcel of land for which the number or numbers was issued shall thereafter be changed or altered in any manner upon the preliminary plat of the subdivision unless and until a new number or numbers have been assigned by the surveyor;

- (c) Date, northpoint, scale of drawing and sufficient description (vicinity map) to define the location and boundaries of the proposed tract;
- (d) Location of the subdivision by section, township and range;
- (e) Names and addresses of all owners within the subdivision, the subdivider, if other than the owner, and the engineer or surveyor; and
- (f) Appropriate identification clearly stating the map is a preliminary plat.

4.03 Reserved.

4.04 Reserved.

4.05 Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

- (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 right-of-way, and other important features, such as section lines and corners and city boundary lines;
- (b) For subdivisions within the urban area, 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 County Engineer:
 - (i) Two (2) foot contour intervals for ground

slopes between five percent (5%) and ten percent (10%), and

(ii) Five (5) foot contour intervals for ground slopes exceeding ten percent (10%);

- (c) For rural, recreation and/or wilderness areas, 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 County Engineer;
- (d) The location and direction of all water courses including a delineation of the high water mark;
- (e) Natural features, such as rock outcroppings, marshes, wooded areas, and isolated preservable trees; and
- (f) Existing uses of the property, including the location of all existing structures to remain on the property after platting.

4.06 Reserved.

4.07 Reserved.

4.08 Reserved.

4.09 Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

- (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 as shown on the official map;
- (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 and block numbers; and
- (d) All land proposed to be reserved by the subdivider for public purposes, showing the location, size, and proposed uses thereof.

4.10 Reserved.

4.11 Reserved.

4.12 Reserved.

4.13 Reserved.

4.14 Reserved.

4.15 Accompanying Statement. A statement containing the following information shall accompany the preliminary plat and if the information cannot be shown practically on the preliminary plat, it shall be submitted in a separate statement with the preliminary plat:

- (a) Proposed uses of the property and present zoning, if applicable;
- (b) Proposed deed restrictions, if any;
- (c) 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 wishes to use;
- (d) Statement of what provisions are proposed for water supply, sewage disposal and drainage;
- (e) The irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision;
- (f) Proposed building setback lines; and
- (g) Reasons and justifications for exceptions, if any, to the provisions of this Ordinance.

4.16 Reserved.

4.17 Reserved.

4.18 Reserved.

4.19 Reserved.

4.20 Partial Development. If the area to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

4.21 Reserved.

4.22 Reserved.

4.23 Reserved.

- 4.24 Reserved.
- 4.25 Reserved.
- 4.26 Reserved.
- 4.27 Reserved.
- 4.28 Reserved.
- 4.29 Reserved.
- 4.30 Review of Preliminary Plat by Other Departments. Within three (3) days after a preliminary plat is duly submitted by the subdivider, the Planning Director shall furnish one (1) copy of the preliminary plat and supplemental material to the following agencies or offices: the County Engineer, the County Surveyor, the County Park Director, the County Assessor, the County Agricultural Agent, the County Health Department; and the following, if applicable: the irrigation districts, the Bureau of Land Management, the State Highway Department, the Forest Service, the South Suburban Sanitary District, the South Suburban Fire Department, Oregon Water Corporation, telephone company, gas company, Pacific Power & Light Company, KPPA, and the U. S. Post Office. These agencies will be given at least seven (7) days to review the plan, suggest revisions, and send their recommendations in writing to the Planning Director.
- 4.31 Reserved.
- 4.32 Reserved.
- 4.33 Reserved.
- 4.34 Reserved.
- 4.35 Reserved.
- 4.36 Reserved.
- 4.37 Reserved.
- 4.38 Reserved.
- 4.39 Reserved.
- 4.40 Approval of Preliminary Plat. The Planning Commission will review the plan and the reports of the agencies referred to hereinabove at its first regular meeting following proper submission of the plat and may give approval to

the preliminary plat as submitted or as it may be modified, or, if disapproved, shall express its disapproval and its reasons therefor. In the event that more time is needed, the Planning Commission shall have a maximum of thirty (30) days following the date of this regular meeting to make a decision. The action of the Planning Commission shall be forwarded to the subdivider by the Planning Director. Approval of the preliminary plat shall indicate that the subdivider may proceed with final surveying and preparation of the final plat.

SECTION 5.00 PROCEDURE FOR PREPARATION, SUBMISSION AND REVIEW OF FINAL PLAT

- 5.01 Preparation and Submission of Final Plat. Within one (1) year after approval or conditional approval of the preliminary plat, the subdivider may cause the subdivision, or any part thereof, to be accurately surveyed and monumented, and a final plat to be prepared in conformance with the preliminary plat as approved. Any major revisions from the approved or conditionally approved preliminary plat, necessitated because of topographic conditions determined at the time the detailed field surveying work is accomplished, shall be reviewed by the County Planning Department. If the subdivider proceeds with the subdivision after the expiration of the one (1) year period or with the subsequent extensions of the approval or conditional approval of the preliminary plat, he must resubmit the preliminary plat to the Planning Commission and make any revisions considered necessary by the Planning Commission to meet changed conditions and/or changes, modifications, amendments to the Subdivision Ordinance of the County or state law.
- 5.02 Drafting the Plat. The final plat shall be drawn in black India ink on good quality, white, cold pressed, double mounted drawing paper 18" x 24" with muslin extending three (3) inches at the left end for binding purposes. No part of the drawing shall be nearer to the edge of the sheet than one (1) inch. An exact duplicate of the final plat, either drawn in black India ink or photographically reproduced on good quality tracing medium, suitable for making prints as defined in state statutes, shall be filed in the office of the County Surveyor after all approvals have been obtained.
- 5.03 Final Plat Requirements. The final plat shall include the following information:

- (a) The number, and if applicable, the name of the subdivision, date, scale, northpoint, legend and controlling topography such as creeks, highways and railroads;
- (b) Written legal description of the plat boundaries;
- (c) Names of all the owners within the subdivision and the engineer or surveyor;
- (d) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (i) All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision;
 - (ii) Adjoining corners of all adjoining subdivisions;
 - (iii) Township, section and donation land claim lines within or adjacent to the plat;
 - (iv) Whenever the County has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line shall be shown and monuments found or reset; and
 - (v) All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of these regulations.
- (e) The length of all arcs and radii of curves, points of curvature, lengths and bearings of tangents and/or chords. All adjusted distances shall be shown to the nearest one-hundredth of a foot. All adjusted bearings and angles shall be shown to the nearest one second and the basis of the bearing shown. Error of closure of the field work shall be within the limit of one foot in five thousand. Field survey shall be adjusted out on recorded plat distances and bearings so dimensions shown on lot, block and tract boundary will produce as near perfect mathematical closure as practical. Lots containing one (1) acre or more shall show total acreage to the nearest hundredth;
- (f) The location, names and widths of all streets, existing or being created. For streets on a curvature, curve data shall be based on the centerline and shall indicate thereon the radius, the central angle, and the arc length which data may be shown in table form;

- (g) The width and location of all easements, existing or being created. For existing easements not definitely located of record, a statement of the easement must be included. New easements being dedicated by the plat shall be properly referenced in the owner's certificate of dedication;
- (h) Blocks numbered consecutively throughout the plat and lots throughout each block to be numbered likewise. The numbers shall be solid, of sufficient size and boldness to stand out, and so placed as not to obliterate any figures. Block numbers, in addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision;
- (i) 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;
- (j) Minimum building setback lines;
- (k) The following certificates, which may be combined where appropriate:
 - (i) A certificate 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 the plat and dedicating all parcels of land shown on the final map and intended for any public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their visitors, tenants and servants;
 - (ii) A certificate signed and properly acknowledged by the engineer or the surveyor responsible for the survey and preparation of the final plat. The signature of such engineer or surveyor shall be accompanied by his seal;
 - (iii) A certificate signed by the County Engineer certifying that the subdivider has complied with one of the following alternatives: (1) All improvements have been installed in

accordance with the requirements of this Ordinance and with the action of the Planning Commission giving conditional approval of the preliminary plat; and
(2) An agreement has been executed as provided in Section 5 of this Ordinance;

- (iv) 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 this calendar year have been paid; and
- (v) A certificate, on the required tracing of the final plat, signed by the County Clerk and the engineer or surveyor certifying that the tracing is a true and exact copy of the final plat; and

- (1) Space for signatures of the following: County Surveyor, County Sheriff, Planning Director, County Clerk, Chairman of the County Board and the County Commissioners.

5.04 Reserved.

5.05 Reserved.

5.06 Reserved.

5.07 Reserved.

5.08 Reserved.

5.09 Reserved.

5.10 Supplemental Information with Final Plat. The following data shall accompany the final plat:

- (a) A preliminary title report 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;
- (b) The computation sheets showing the bearings, distances, latitudes, departures, and error of closure, if any, and the curve data of each lot in the subdivision;

- (c) Traverse data, including the coordinates of the boundary of the subdivision and ties to section corners, existing monuments, proposed monuments, adjacent subdivision and state highway stationing if all monumentation data is available in the office of the local State Highway Resident Engineer, and the error of closure, if any, shall be shown;
- (d) 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;
- (e) A copy of any deed restrictions applicable to the subdivision;
- (f) For rural recreation and/or wilderness area plats consisting of lots four and ninety-nine hundredths (4.99) acres or less, plans single line profiles and specifications, prepared by the engineer showing proposed construction design and standards for all streets, bridges, and storm drainage facilities;
- (g) For urban area plats, plans, profiles and specifications prepared by the engineer showing proposed construction design and standards for all streets, curbs and gutters, sidewalks, bridges and storm drainage facilities; and
- (h) All such design work shall be submitted to and approved by the County Engineer before construction begins, changes in plans must be reviewed with and approved by the engineer and by the County Engineer, and final inspection and approval of the completed improvements shall be made by the County Engineer or his authorized representative before the improvements are accepted and performance assurance released.

5.11 Reserved.

5.12 Improvements a Prerequisite to Final Plat Approval. The following shall be adhered to by the subdivider:

- (a) Before approval is certified on the final plat, the subdivider shall:
 - (i) Install all required improvements and

repair existing streets and other public facilities damaged in the development of the subdivision; or

- (ii) Execute and file with the County Board an agreement between himself and the County specifying that within two (2) years all required improvements and repairs shall be completed, and providing that if such work is not completed within the two (2) years, the County shall complete the same and recover the full cost and expense thereof from the subdivider;
- (b) The required road improvements and repair of existing streets shall be done in accordance with the requirements of the County Engineer and the provisions of this Ordinance;
- (c) An improvement inspection fee based on an hourly rate to cover the estimated cost of inspecting the improvements as required by the County Engineer shall accompany the submission of the final plat;
- (d) When improvements are to be installed by the subdivider, under terms of an agreement:
 - (i) A subdivision bond shall be required;
 - (ii) Construction of the roads may be permitted in units under conditions therein specified;
 - (iii) Extension of the time limit may be granted under conditions therein specified; and
 - (iv) Termination of the agreement may be made upon the completion of proceedings pursuant to applicable statutes for the formation of and assessment district providing for the construction of the improvements specified in the agreement.
- (e) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
 - (i) A surety bond executed by a surety company authorized to transact business in the State of Oregon;

- (ii) Cash or certified check; or
 - (iii) Time deposit certificates payable to Klamath County.
- (f) Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses;
- (g) In the event the subdivider shall fail to carry out all provisions of the agreement, the County shall:
- (i) Call on the surety company for full and faithful performance; or
 - (ii) Use the cash or certified check to complete the work; and
- (h) If the amount of the bond or cash deposit exceeds the cost of completing the work, the County shall release the remainder to the rightful claimant. If the amount of the bond or cash deposit is less than the cost of completing the work, the subdivider shall be liable for the difference and upon demand, pay such liability to the County.

5.13 Reserved.

5.14 Approval of County Surveyor. After receipt of the final plat, the Planning Director shall transmit the final map and other related supplementary data to the County Surveyor who shall review the final map and information to determine that there has been full compliance with all applicable statutes and provisions and that the plat is technically correct and within the allowable limits of error according to statutes. The County Surveyor may make field checks to verify that the map is sufficiently correct on the ground. When he finds the final plat to be in full conformance, he shall so certify on the face of the plat by affixing his signature thereto.

The statutory fee for the above approval shall be submitted to the County Surveyor by the subdivider before this certification is made.

5.15 Reserved.

5.16 Reserved.

- 5.17 Reserved.
- 5.18 Reserved.
- 5.19 Reserved.
- 5.20 Approval of County Planning Director. Upon submission of the final plat and supplementary information to the County Planning Department, the Planning Director shall thoroughly review the final plat. If the Planning Director determines that the final plat is in conformance with the approved preliminary plat and other requirements, he shall sign the final plat. If the final plat is not in conformance it shall be referred to the Planning Commission at their next regular meeting for consideration, who shall then by resolution, approve or disapprove the plat. An appeal from the actions of the Planning Commission may be filed with the Board of Commissioners who shall make a final determination.
- Upon the plat being approved by either the Planning Commission or Board of Commissioners, or being made to conform to the original conditions of approval, the Planning Director shall affix his signature to the plat.
- 5.21 Reserved.
- 5.22 Reserved.
- 5.23 Reserved.
- 5.24 Reserved.
- 5.25 Reserved.
- 5.26 Reserved.
- 5.27 Reserved.
- 5.28 Reserved.
- 5.29 Reserved.
- 5.30 Approval of the County Board. After review and approval of the final plat by the Planning Director, the subdivider shall submit the same to the County Board for approval. If all requirements are met and all approvals obtained, the County Board shall accept the final plat for signature and recordation.
- 5.31 Reserved.

5.32 Reserved.

5.33 Reserved.

5.34 Reserved.

5.35 Reserved.

5.36 Reserved.

5.37 Reserved.

5.38 Reserved.

5.39 Reserved.

5.40 Filing of Final Plat. After obtaining all required approvals and signatures, the subdivider shall file the plat and the exact copy thereof in the County Clerk's office. Approval of the final plat shall be null and void if the plat and required tracing is not filed within thirty (30) days after the date of the County Board's required approving signature.

Upon the filing of the plat, the subdivider shall furnish prints of the final plat and one (1) print to the following: County Assessor, County Surveyor, County Engineer, County Health Department and the Planning Director.

5.41 Reserved.

5.42 Reserved.

5.43 Reserved.

5.44 Reserved.

5.45 Reserved.

5.46 Reserved.

5.47 Reserved.

5.48 Reserved.

5.49 Reserved.

5.50 Filing with the State. Either before or after recording the final plat, the subdivider and/or his surveyor shall

file a report with the Real Estate Division, Department of Commerce, State of Oregon and shall comply with all provisions of the Oregon Revised Statutes relating to sale of subdivided land in Oregon.

5.51 Reserved.

5.52 Reserved.

5.53 Reserved.

5.54 Reserved.

5.55 Reserved.

5.56 Reserved.

5.57 Reserved.

5.58 Reserved.

5.59 Reserved.

SECTION 6.00 APPROVAL OF STREETS AND WAYS

6.01 Creation of Streets. The creation of all streets outside of a subdivision shall be in conformance with the requirements for subdivision, except, however, the Planning Commission shall recommend to the County Board the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, provided any of the following conditions exist:

- (a) The establishment of the street is initiated by the County Board and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;
- (b) The tract in which the street is to be dedicated is an isolated ownership of one (1) acre or less; or
- (c) The tract in which the street is to be dedicated is an isolated ownership of such size and has such special existing physical conditions as make it impractical to develop more than three (3) lots.

6.02 In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the Planning Director at least five (5) days prior to the

Planning Commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the Planning Commission and if not in conflict with the design standards of these regulations, shall be approved with such conditions as are necessary to preserve these standards.

6.03 Reserved.

6.04 Reserved.

6.05 Reserved.

6.06 Reserved.

6.07 Reserved.

6.08 Reserved.

6.09 Reserved.

6.10 Creation of Ways. Any easement of way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or where applicable, as provided in Section 6.01 with the following exceptions:

- (a) Any easement providing access to a parcel of land used for agriculture, horticulture, grazing, or timber growing and where the parcel is five (5) acres or more in size shall be approved by the Planning Commission; and
- (b) A private easement of way to be established by deed without full compliance with these regulations shall be approved by the Planning Commission, provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two (2) parcels may be provided with access. If the existing lot is large enough so that three (3) or more parcels meeting the lot size minimums of these regulations may be created and two (2) or more of such parcels would not have frontage on an existing street, this exception will not apply. A copy of the proposed document to create the easement shall be submitted to the Planning Director at least five (5) days prior to the Planning Commission meeting

at which consideration is requested. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility access as well as vehicular access is indicated, shall be approved.

SECTION 7.00 DESIGN STANDARDS

- 7.01 Principles of Acceptability. The subdivision shall be in substantial conformity with the official map and the development plan of Klamath County. The subdivision shall conform to the requirements of State law and the standards established by this Ordinance.
- 7.02 Reserved.
- 7.03 Reserved.
- 7.04 Reserved.
- 7.05 Reserved.
- 7.06 Reserved.
- 7.07 Reserved.
- 7.08 Reserved.
- 7.09 Reserved.
- 7.10 Streets.
- (a) General. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where a location is not shown on the official map, the arrangement of streets in a subdivision shall either:
- (i) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (ii) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

- (b) Minimum Right-of-Way and Roadway Improvement Widths. Unless otherwise indicated on the official roadway map, the width of right-of-ways and roadway improvements shall be in compliance with the following:
- (i) Freeways - In accordance with the standards and specifications of the State Division of Highways;
 - (ii) Major Highways - A right-of-way width of one hundred (100) feet with improvements in accordance with the standards and specifications of the County;
 - (iii) Secondary Highway - A right-of-way width of eighty (80) feet with improvements in accordance with the standards and specifications of the County;
 - (iv) Collector Street - A right-of-way width of sixty-six (66) feet and roadway improvements a width of forty (40) feet except in the case of rural, recreation and/or wilderness-type subdivisions in which case the roadway improvement width shall be not less than twenty-six (26) feet with a traveled way of not less than twenty-two (22) feet;
 - (v) Local Streets - A right-of-way width of sixty (60) feet and a roadway improvement width of not less than thirty-six (36) feet for urban-type subdivisions having lot areas of nineteen thousand nine hundred ninety-nine (19,999) square feet or less and a roadway improvement width of not less than thirty-two (32) feet for urban-type subdivisions having lot areas of twenty thousand (20,000) square feet or more but not exceeding four and ninety-nine hundredths (4.99) acres, and a roadway improvement width of not less than twenty-six (26) feet for rural, recreation and/or wilderness-type subdivisions having lot areas nine and ninety-nine hundredths (9.99) acres or less. In rural, recreation and/or wilderness-type subdivisions having lot area in excess of ten (10) acres, the required easement shall be not less than fifty (50) feet in width;

(vi) Cul-de-sac Streets - A right-of-way width of not less than fifty (50) feet and road-way improvement widths in accordance with standards established for urban, rural, recreation and/or wilderness-type subdivisions; and

(vii) Alleys - A right-of-way width of not less than twenty (20) feet with improvements in accordance with standards and specifications of the County.

When necessary for street construction on a side-hill situation, a slope easement over and above right-of-way needs may be required.

- 7.11 Alignment. All streets, as far as practical, shall be in alignment with existing streets by prolongation of the centerline or by connection with suitable curves. The offsetting of street alignments resulting in "T" intersections shall, where practical, provide a minimum distance of two hundred (200) feet between points of intersections when having approximately the same direction and otherwise shall not be less than one hundred (100) feet in separation.
- 7.12 Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle, but in no case less than sixty (60) degrees unless there is special intersection design. Streets shall have at least fifty (50) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not nearly at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twenty (20) feet.
- 7.13 Grades and Curves. Grades shall not exceed six percent (6%) on major or secondary streets, ten percent (10%) on collector streets, or twelve percent (12%) on all other streets. Centerline radii of curves shall be not less than three hundred (300) feet on major or secondary streets, two hundred (200) feet on collector streets, and one hundred (100) feet on all other streets.
- 7.14 Cul-de-sacs. In urban-type subdivisions, a cul-de-sac shall be not more than five hundred (500) feet long or serve more than eighteen (18) single family dwellings.

In rural, recreation and/or wilderness-type subdivisions, a cul-de-sac shall not be more than one thousand (1,000) feet long. All cul-de-sacs shall terminate with a circular turnaround having a minimum right-of-way radius of not less than fifty (50) feet. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

- 7.15 Existing Streets. Whenever existing streets, either adjacent to or within the subdivision, are of inadequate width, the additional necessary right-of-way within the subdivision boundary shall be provided at the time of subdivision and as indicated on the final plat.
- 7.16 Reserve Strips. Reserve strips or street plugs dedicated to Klamath County and controlling the access to a street may be required when necessary to:
- (a) Prevent access to the street on the side where additional width is required to meet the minimum right-of-way standards;
 - (b) Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
 - (c) Prevent the uncontrolled development of land.
- 7.17 Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision and the resulting deadend streets may be approved without a turnaround. Reserve strips and street plugs may be required to insure the objectives of street extensions.
- 7.18 Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.
- 7.19 Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or

resemble the names of existing streets in Klamath County. Street names and numbers shall conform to the established pattern in the surrounding area and if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

- 7.20 Streets Adjacent to Railroad Right-of-Way. Wherever a proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- 7.21 Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reserved area along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 7.22 Street Setbacks. All streets shall have a minimum building setback line of twenty-five (25) feet except corner lots may have a twenty (20) foot setback on the side abutting the street unless otherwise required by zoning regulations.
- 7.23 Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission.
- 7.24 Reserved.
- 7.25 Reserved.
- 7.26 Reserved.
- 7.27 Reserved.
- 7.28 Reserved.
- 7.29 Reserved.
- 7.30 Blocks.

(a) General. The length, width and shape of blocks

shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of topographic conditions;

- (b) Sizes. In urban-type subdivisions, blocks shall not exceed one thousand two hundred sixty (1,260) feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is two thousand six hundred forty (2,640) feet. In rural, recreation and/or wilderness-type subdivisions, blocks shall not exceed two thousand six hundred forty (2,640) feet in length.
- (c) Easements.
 - (i) Utility Lines. Easements for sewers, storm drainage water mains, electric lines or other public utilities shall be dedicated wherever necessary. Easements shall be a minimum of sixteen (16) feet in width and centered on rear or side lot lines except for tie-back easements which shall be six (6) feet wide by twenty (20) feet long along side lines at change of direction points of easements.
 - (ii) Water Courses. Where a subdivision is traversed by a water course, a drainage way, channel or stream, there shall be provided an easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose.
- (d) Pedestrian Ways. When necessary for public convenience and safety, the Planning Commission may require the subdivider to dedicate to the public, pedestrian ways ten (10) feet in width to permit access to cul-de-sac, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, recreation, or other public or private areas of such design and location as reasonable required to facilitate pedestrian travel.

7.31 Reserved.

- 7.32 Reserved.
- 7.33 Reserved.
- 7.34 Reserved.
- 7.35 Reserved.
- 7.36 Reserved.
- 7.37 Reserved.
- 7.38 Reserved.
- 7.39 Reserved.
- 7.40 Lots.

(a) Size and Shape. The lot size, width, shape and orientation within all urban-type subdivisions and the rural, recreation and/or wilderness-type subdivisions shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Each lot shall have a minimum average width of seventy (70) feet unless otherwise required by zoning regulations and a minimum average depth of not less than one hundred (100) feet and a minimum area of seven thousand (7,000) square feet. No lot depth shall be more than two and one-half (2-1/2) times the average width. Corner lots shall have a minimum average width of eighty (80) feet to permit appropriate building setback from and orientation to both streets. These minimum standards shall apply with the following exceptions:

- (i) In subdivisions that will not be served by public sewer nor central water supply system, the lots shall be a minimum of one (1) acre in area. County Health Department approval of a minimum one (1) acre lot size will be dependent upon the percolation tests, topography, ground water table and nature of the soil. If either of these facilities are provided, the lot size may be reduced from one (1) acre in accordance with applicable standards herein and requirements of the County Health Department; and
- (ii) Where property is zoned or deeded for

business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or platted for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required for the type of use and development contemplated.

- (b) Access. The subdivision of the land shall be such that each lot shall abut upon a public street, way or easement as permitted herein.
- (c) Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in depth and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred twenty-five (125) feet.
- (d) Double Lotting. Double lotting will be approved provided it is part of a comprehensively designed subdivision in accordance with this Ordinance and if the lots are provided with a frontage access to a public street having a minimum width as herein provided.
- (e) Lot Side Lines. The side lines of lots, as far as practical, shall run at right angles to the street upon which the lots face.

7.41 Reserved.

7.42 Reserved.

7.43 Reserved.

7.44 Reserved.

7.45 Large Lot Subdivision. In subdividing land into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks shall be of such size and shape, be so divided into lots and contain such building site restrictions as will provide

for the extension and opening of streets at such intervals and will permit a subsequent division of any parcel into lots of smaller size. No existing lot within a subdivision shall be resubdivided without approval by the Planning Commission.

SECTION 8.00 IMPROVEMENTS

8.01 Improvement Procedures. In addition to other requirements, the improvements specified in this Section shall conform to the requirements of this Ordinance and improvement standards adopted by the County and shall be in accordance with the following procedures:

- (a) Work shall not be commenced until the plans and specifications have been reviewed for adequacy and approved by the County Engineer and appropriate state agency. To the extent necessary for evaluation of the subdivision proposal, the plans and specifications may be required before approval of the final plat;
- (b) Work shall not be commenced until the County Engineer has been notified in advance and if the work has been discontinued for sixty (60) days or longer, it shall not be resumed until the County Engineer has been notified;
- (c) Required improvements shall be constructed in accordance with specifications as set forth by the County Engineer and inspected for conformance. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest. Any similar changes initiated by the developer must be reviewed with and approved by the professional engineer and the County Engineer; and
- (d) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets in a predetermined location approved by the County Engineer. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will obviate the necessity of street cuts when service connections are made.

8.02 Reserved.

8.03 Reserved.

8.04 Reserved.

8.05 Urban-type Subdivision Improvement Requirements. The following improvements are to be provided at the expense of the subdivider and/or developer in the urban-type subdivision:

- (a) Subdivisions consisting of lot areas ranging from seven thousand (7,000) square feet to nineteen thousand nine hundred ninety-nine (19,999) square feet shall be improved with curbs, gutters and paved roadways to a minimum width of thirty-six (36) feet and shall include adequate drainage facilities as may be required by the County Engineer;
- (b) Subdivisions consisting of lot areas ranging from twenty thousand (20,000) square feet to thirty-nine thousand nine hundred ninety-nine (39,999) square feet shall be improved with paved roadways to a minimum width of twenty-four (24) feet with adequate shoulders and drainage facilities as may be required by the County Engineer;
- (c) Subdivisions consisting of lot areas ranging from forty thousand (40,000) square feet to four and ninety-nine hundredths (4.99) acres shall be improved with graveled roadways to a minimum width of thirty-two (32) feet and shall include adequate drainage facilities as may be required by the County Engineer;
- (d) All right-of-ways shall be cleared between the catch points of the cuts or fills of the approved road cross section. In densely wooded areas the entire right-of-way shall be cleared of all flammable brush, dead limbs, logs and stumps outside of slope limits to the full width of the right-of-way;
- (e) All lots within the subdivision shall, where determined practical by the Planning Commission in accordance with the purpose of this Ordinance, be served by a municipal sewage system or by a private sewage service district or corporation which has been approved by the State Sanitary Engineer and County Engineer as adequate to provide for the health and sanitation needs of the area;
- (f) All lots within the subdivision shall, where

determined practical by the Planning Commission in accordance with the purpose of this Ordinance, be served by a municipal domestic water supply system or by a private domestic water supply corporation which has been approved by the State Sanitary Engineer and County Engineer as adequate to provide for the health and sanitation needs of the area. The establishment of fire hydrants, where existing water facilities permit, will be required for fire protection and shall meet rating bureau standards;

- (g) Concrete sidewalks not less than five (5) feet in width shall be constructed in all dedicated pedestrian ways. Also, along streets where determined necessary by the Planning Commission, for pedestrian safety;
- (h) The subdivider shall deposit with the County a sum of money determined by the County to be sufficient to cover both the cost of street signs and installation, the street signs then to be installed by the County or to County standards; and
- (i) The subdivider shall undertake all site grading and construction or installation of such drainage facilities as determined necessary by the County Engineer for the purpose of proper drainage of the subdivision and the surrounding affected areas outside of the subdivision.

8.06 Rural, Recreation and/or Wilderness-type Subdivision Improvement Requirements. The following improvements are to be provided at the expense of the subdivider in the rural, recreation and/or wilderness-type subdivision:

- (a) Subdivisions consisting of lot areas of less than five (5) acres shall be improved with roadways of not less than twenty-six (26) feet in width with a traveled way of twenty-two (22) feet in width improved with a minimum of four (4) inches of gravel or cinder;
- (b) Subdivisions consisting of lot areas of not less than five (5) acres nor more than nine and ninety-nine hundredths (9.99) acres shall be improved with roadways of not less than twenty-six (26) feet in width, with a traveled way of twenty-two (22) feet in width improved with native materials;

- (c) Subdivisions consisting of lot areas in excess of ten (10) acres shall provide easements of access not less than fifty (50) feet in width with improvement therein being to the discretion of the subdivider;
- (d) All right-of-ways shall be cleared between the catch points of the cuts or fills of the approved road cross sections. In densely wooded areas the entire right-of-way shall be cleared of all flammable brush, dead limbs, logs and stumps outside of slope limits to the full width of the right-of-way;
- (e) If a central water supply system is not to be provided, the subdivider must submit a written hydrology report documenting the availability of water and the general history of wells in the area;
- (f) If a central water supply system is to be provided, it must be installed in accordance with the requirements of both the state and local health department. Also, the subdivider must submit evidence of the legal mechanism established to assure both maintenance of the system and continuity of water service;
- (g) If a central sanitary sewer system is not to be provided, the subdivider must take representative percolation tests as required by the County Health Department. The results of such tests must be submitted to and reviewed by the County Health Department. Any central sanitary sewer system must be installed in accordance with the requirements of both the state and local health department. Also, the subdivider must submit evidence of the legal mechanism established to assure both maintenance of the system and continuity of sewer service; and
- (h) The subdivider shall deposit with the County a sum of money determined by the County to be sufficient to cover both the cost of street signs and installation, the street signs then to be installed by the County or to County standards.

SECTION 9.00 LAND PARTITIONING IN LIEU OF SUBDIVIDING

The partitioning of land for other than agricultural purposes which results in not more than three (3) lots and/or lots of not less than five (5) acres in area, nor more than twenty (20) acres in area and not in excess of eight (8) lots and one hundred sixty (160) acres which is for the purpose of transfer of ownership, building development, or lease, whether immediate or future, including condominiums, and which may or may not include the creation

of streets or ways, shall be conditional to the following provisions:

9.01 Procedure for Partitioning. Any person desiring to partition any land pursuant to this Section shall submit to the Planning Director a map on sheets provided by the Planning Department denoting the following:

- (a) All proposed lot lines and dimensions thereof in addition to the external boundaries of the properties being partitioned, and when available, the location of all permanent reference monuments, found or set, and such other pertinent data;
- (b) Outline and location of existing buildings to remain on the property and the address thereof;
- (c) The location, width and names of all streets and the location, width and purpose of all existing easements and the location and size of all sewers, water mains and drainage facilities;
- (d) Approximate acreage of the individual lots;
- (e) The existing and proposed use of land;
- (f) Jurisdictional or political boundaries;
- (g) All surface and above-ground utilities;
- (h) Any elevation datum;
- (i) Proposed means of vehicular access to individual lots;
- (j) Bodies of water; and
- (k) Approximate street grades and direction of flow of surface water of existing and proposed streets, highways or ways.

9.02 Reserved.

9.03 Reserved.

9.04 Reserved.

9.05 Administrative Review. Review of all maps required pursuant to this Section shall be by a board composed of the County Engineer, Chairman of the Planning Commission, County Planning Director, or their authorized representatives, which board shall be known as the Land Partitioning Review Board.

- 9.06 The board shall be convened by the chairman of the board who shall be the Planning Director within three (3) working days of the filing of a map proposing the partitioning of land as defined in this Section, at which time the board shall disapprove, approve or conditionally approve the map as hereinafter indicated.
- 9.07 If any member of the board has an interest in the property proposed for partitioning, or who may be employed for the purpose of preparing the map or who is representing the person or persons whose land is being partitioned, such member shall be disqualified and the chairman of the Planning Commission shall appoint another member of the Planning Commission to assume the position of the disqualified member during consideration of the map. The concurrence of any two (2) members of the board shall represent the determinations of the board.
- 9.08 Reserved.
- 9.09 Reserved.
- 9.10 Reserved.
- 9.11 Reserved.
- 9.12 Reserved.
- 9.13 Reserved.
- 9.14 Reserved.
- 9.15 Administrative Approval. The board shall approve the map of the proposed land partitioning when all of the following conditions are found to exist:
- (a) No dedication of streets, highways or ways or the improvement thereof is required or in lieu thereof, the developer agrees to provide such;
 - (b) That the proposed partitioning of land does not landlock adjacent properties or prohibit the extension of dedicated streets, highways or ways;
 - (c) The partitioning of property does not violate other Sections of this Ordinance or state laws; and
 - (d) The properties proposed for partitioning are situated in the unincorporated territory of Klamath County.
- 9.16 Reserved.

- 9.17 Reserved.
- 9.18 Reserved.
- 9.19 Reserved.
- 9.20 Administrative Disapproval or Conditional Approval. If the board finds one or more of the heretofore mentioned conditions does not exist, the board may disapprove or conditionally approve the map subject to compliance with such conditions.
- 9.21 As a condition of approval, the board may accept in lieu of required improvements, a surety bond, cash or time deposit certificate pursuant to the provisions of Section 5.12(e).
- 9.22 The board may also, pursuant to Section 11.00 et seq., "Exceptions, Variances and Enforcements", grant a variance from such conditions contained in Section 9.15, or as such may be amended, when the board determines that the conditions set forth in Section 11.10 are found to exist. If a variance is granted, the Planning Director shall record the actions of the board and maintain a record of such variance in the permanent files of the Planning Department.
- 9.23 Reserved.
- 9.24 Reserved.
- 9.25 Reserved.
- 9.26 Reserved.
- 9.27 Reserved.
- 9.28 Reserved.
- 9.29 Reserved.
- 9.30 Appeal from Decision of the Land Partitioning Review Board. If the subdivider is dissatisfied with the actions of the board, he may appeal such actions to the Planning Commission who shall place the matter of appeal on the agenda of their next regular or adjourned regular meeting at which time the Planning Commission shall consider the actions of the board and the appeal of the subdivider who shall have filed in writing with the Planning Director, his appeal and objections to the actions of the board.
- 9.31 The Planning Commission may confirm, reject or overrule the findings of the board and may disapprove, approve or conditionally approve the map. The decision of the Planning

Commission shall be recorded in the usual manner.

9.32 Reserved.

9.33 Reserved.

9.34 Reserved.

9.35 Reserved.

9.36 Reserved.

9.37 Reserved.

9.38 Reserved.

9.39 Reserved.

9.40 Filing of Approved Maps. A copy of the map denoting the partitioning of the land as approved or conditionally approved by the Board, Planning Commission or Board of Commissioners shall be filed with the County Assessor, County Engineer, County Building Official, County Clerk and County Surveyor by the Planning Director.

SECTION 10.00 PROTECTION PLANNING AND RECOMMENDED MINIMUM FIRE SAFETY REQUIREMENTS FOR SUBDIVISION AND OTHER PARTITIONING OF LANDS

10.01 Proposed subdivisions, partitioning of land or other development as herein provided for and for purposes herein cited shall be reviewed by the proper fire authorities of Klamath County or the district within which such subdivision is situated, or both, and no final plat or map shall be approved without the inclusion of adequate standards such as ingress and egress routes, right-of-way clearing, block lengths, street grades, fire fighting equipment access to the subdivision and adjacent property, etc., as recommended by said fire authority and which are deemed necessary for the protection of the general welfare of the people who inhabit the subdivision as well as adjacent land owners and the general public.

10.02 The Planning Commission may also require that certain restrictions regarding fire prevention or control be placed on record at the time of the filing of the plat or be contained in each and every deed of conveyance of the lots within such subdivision or partitioning of land if the same are deemed to be applicable to the given conditions in the subdivision when considering that such standards are necessary for the protection and the general welfare

of the people who inhabit the subdivision as well as owners of adjacent land and the general public.

SECTION 11.00 EXCEPTIONS, VARIANCES AND ENFORCEMENT

- 11.01 Exception in Case of Large Scale Development. The standards and requirements of this Ordinance may be modified by the Planning Commission if the subdivision plat or other map provided for herein comprises a complete neighborhood unit, a large-scale shopping center, a large-scale industrial development, or similar planned unit. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest. Also, the Planning Commission shall determine that necessary legal instruments are established to assure conformity to and achievement of the plan.
- 11.02 Reserved.
- 11.03 Reserved.
- 11.04 Reserved.
- 11.05 Reserved.
- 11.06 Reserved.
- 11.07 Reserved.
- 11.08 Reserved.
- 11.09 Reserved.
- 11.10 Variance Application. The Planning Commission may authorize a variance from the requirements of this Ordinance. Application for a variance shall be made by letter, stating fully the grounds of the application and the facts relied upon by the subdivider. The letter shall be filed with the preliminary map of the subdivision. Prior to granting of a variance, the Planning Commission shall find that the following conditions exist:
- (a) That there are special circumstances or conditions peculiar to the property;
 - (b) That the variance is necessary for the proper development of the subdivision and the preservation of property rights and values;

(c) That the granting of the variance will not at present or hereafter, be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed subdivision; and

(d) Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done, provided that such variation or exception will not be detrimental to the public health and welfare, and further providing that such variation shall not have the effect of nullifying the intent and purpose of the master plan or of the Subdivision Ordinance.

11.11 Reserved.

11.12 Reserved.

11.13 Reserved.

11.14 Reserved.

11.15 Reserved.

11.16 Reserved.

11.17 Reserved.

11.18 Reserved.

11.19 Reserved.

11.20 Planning Commission Action on Variances. In granting a variance, the Planning Commission shall make a written record of its findings and shall specifically describe the variance and any conditions which the Department may designate. The Planning Director shall send a copy of the findings to the subdivider and file a copy of the findings with the County Building Official and retain a copy as a matter of public record.

11.21 Reserved.

11.22 Reserved.

11.23 Reserved.

11.24 Reserved.

- 11.25 Reserved.
- 11.26 Reserved.
- 11.27 Reserved.
- 11.28 Reserved.
- 11.29 Reserved.
- 11.30 Appeal.

- (a) Any person may appeal to the Board of Commissioners from any decision, determination or requirement of the Planning Commission by filing a notice thereof in writing with the Board of Commissioners within fourteen (14) days after such decision, determination or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal; and
- (b) The Board of Commissioners, following the filing of said appeal, shall set a time for hearing on the appeal to be held within thirty (30) days thereafter, and the hearing may, for good cause, be continued by order of the Board of Commissioners. Upon the hearing of the appeal, the Board of Commissioners may overrule or modify the decision, determination or requirement appealed from and enter any order or orders as are in accord with the intent and purpose of this Ordinance. This disposition of the appeal shall be final unless legal proceedings are instituted through the courts by the applicant.

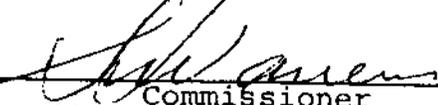
- 11.31 Reserved.
- 11.32 Reserved.
- 11.33 Reserved.
- 11.34 Reserved.
- 11.35 Reserved.
- 11.36 Reserved.
- 11.37 Reserved.
- 11.38 Reserved.
- 11.39 Reserved.

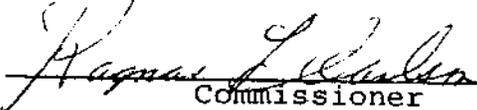
- 11.40 Validity. If any article, section, sub-section, clause or sentence of this Ordinance shall, for any reason, be held invalid by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance, but shall be confined to the article, section, sub-section, clause or sentence to which it applies.
- 11.41 Reserved.
- 11.42 Reserved.
- 11.43 Reserved.
- 11.44 Reserved.
- 11.45 Reserved.
- 11.46 Reserved.
- 11.47 Reserved.
- 11.48 Reserved.
- 11.49 Reserved.
- 11.50 Penalties for Violation. Any person, firm, corporation, partnership or co-partnership, or any other entity that wilfully violates any of the provisions or fails to comply with any of the provisions or fails to comply with any of the mandatory requirements of this Ordinance, is in violation of Oregon Revised Statutes 92.990 and 215.990, and subject to the penalties provided thereby and contained in Oregon Revised Statutes 92.990 and 215.990 and any amendments thereto, except that nothing herein contained shall be deemed to bar any legal, equitable or summary remedy to which the County of Klamath or other political subdivision, or any person, firm, corporation, partnership or co-partnership may otherwise be entitled, and the County of Klamath or any other political subdivision, firm, corporation, partnership or co-partnership may file suit in a court of proper jurisdiction in the State of Oregon, in and for the County of Klamath to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.
- 11.51 Reserved.
- 11.52 Reserved.
- 11.53 Reserved.

- 11.54 Reserved.
- 11.55 Reserved.
- 11.56 Reserved.
- 11.57 Reserved.
- 11.58 Reserved.
- 11.59 Reserved.
- 11.60 Enactment. This Ordinance shall be, and is hereby declared to be in full force and effect from the date of its passage.

BOARD OF COUNTY COMMISSIONERS


Chairman


Commissioner


Commissioner

APPROVED BY:


County Counsel

ATTEST:


County Clerk