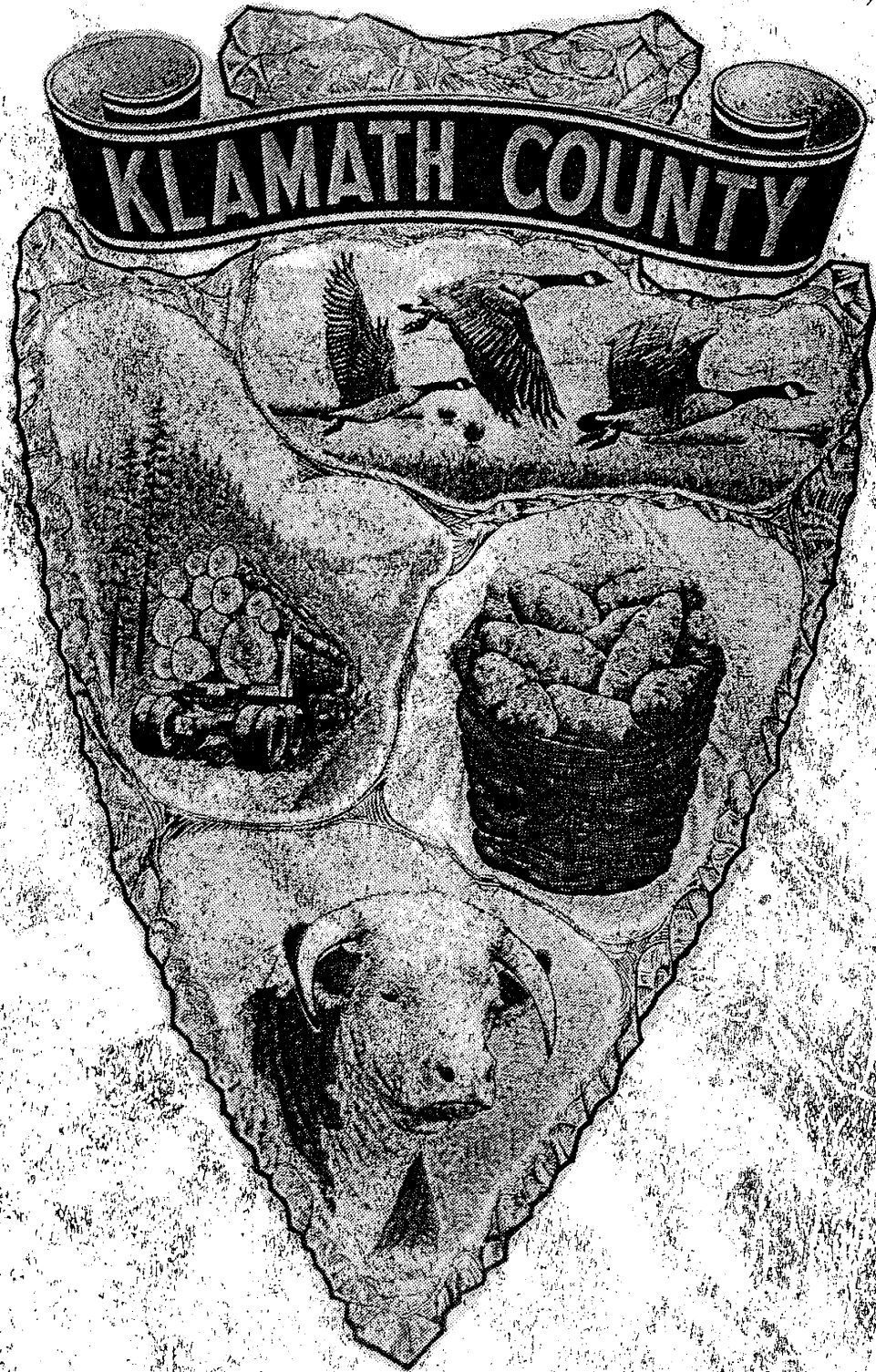


Approved Copy

Exhibit "B"



SUBDIVISION ORDINANCE -- 1969

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

Table of Contents

Section	Title	Page No.
1.00	Purpose -----	1
2.00	Definitions -----	2
3.00	Scope of Regulations -----	7
4.00	Procedure for Preparation, Submission and Review of Preliminary Plat -----	7
5.00	Procedure for Preparation, Submission and Review of Final Plat -----	12
6.00	Approval of Streets and Ways -----	21
7.00	Design Standards -----	23
8.00	Improvements -----	31
9.00	Land Partitioning in Lieu of Sub- dividing -----	34
10.00	Protection Planning and Recommended Minimum Fire Safety Requirements for Subdivision and other Partitioning of Land -----	38
11.00	Exceptions, Variances and Enforcement--	39
	Exhibits I through IX -----	44

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 an 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.

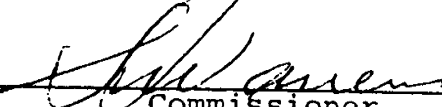
- 11.40 Validity. If any article, section, sub-section, clause or sentence of this Ordinance shall, for any reason, be held invalid by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance, but shall be confined to the article, section, sub-section, clause or sentence 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