



# Nonconforming Use Exception Application

City of Klamath Falls Planning Department, 226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

---

## NONCONFORMING USE EXCEPTION APPLICATION SUPPLEMENT

Please answer the following questions. Attach additional sheets if necessary. **(TO BE COMPLETED IN INK)**

### REQUIRED FINDINGS

The Community Development Ordinance (Sections 11.550-11.570) allows the granting of a Nonconforming Use Exception only when all the findings required can be made. Please complete this form to explain how you think the requested Nonconforming Use Exception will satisfy the required findings.

1. Explain how the exception is compatible with adjacent land uses and how it will not create adverse effects upon surrounding properties.

---

---

---

---

---

---

---

---

---

---

2. Explain how the exception will actually upgrade the property so that site improvements (parking, traffic circulation, drainage, pedestrian access, screening, landscaping, signs, etc.) are brought into conformance with the existing standards to the maximum extent possible.

---

---

---

---

---

---

---

---

---

---

3. Explain how the exception is necessary to maintain a substantial property right and avoid undue hardship. And describe how the exception can be relieved only by excepting the provisions of Sections 11.550-11.570 in the Community Development Ordinance.

---

---

---

---

---

---

---

---

---

---



# Nonconforming Use Exception Checklist

City of Klamath Falls Planning Department, 226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

---

- Optional: Attend a Pre-Application meeting with City Staff (Cost: 10% of the filing fee. This fee will be credited toward the filing fee.)

## REQUIRED CONTENTS

- Completed General Permit Application (**TO BE COMPLETED IN INK**)
- Completed Nonconforming Use Exception Application Form (**TO BE COMPLETED IN INK**)
- Public Notice Mailing List (Property owner mailing list for a 250 feet radius)
- Completed Acknowledgment of Mailing List Form
- Completed Applicant and Owners Statement Form and Copy of Deed
- Site Plan (10 copies on 8 ½" X 11" sheets for lots less than 10,000 square feet; for larger lots, provide 10 copies; at least one must be 11" X 17" & the others may be a maximum of 24" X 36" sheets) including:
  - Date
  - North arrow
  - Written & graphic scale
  - Location & type of handicap access
  - Existing Utilities (easements, poles, lines, etc.)
  - Present zoning & intended use of the property
  - Location of existing & proposed signs
  - Lot & building dimensions, setback dimensions & height of all existing structures
  - Proposed layout of parking lot, including location & dimension of parking spaces, handicap parking spaces, curb islands, internal planter strips, maneuvering aisles & access driveways indicating directions of travel
  - Location of all recreational amenities such as open play areas, swimming pools, tennis courts, tot lots, etc.
  - Site data in tabular form: total area of property, building coverage, existing gross floor area, parking lot coverage, parking lot landscape coverage, and number of parking stalls required
  - Finished floor elevations-show existing grade contours and finished grades or contours clearly
  - Size & location of all existing and proposed public and private utilities, easements or rights-of-way
  - Location, dimensions and names of proposed internal streets showing center line radii and curb return radii (location and dimensions of sidewalks shall also be shown)
  - Proposed gross floor area and number of residential units as appropriate (in tabular form)
  - Residential Stormwater Plan for New Subdivision Development including:
    - Existing and Proposed Final Grades
    - Cut/Fill quantities in Cubic Feet
    - Square Footage of new impervious areas (pavement, roofs, etc.)
    - Where and how stormwater will be directed from all impervious areas
    - How erosion will be prevented after construction is complete

- Vicinity Map (indicating the relationship and forms of existing developments in the general area)
- Application fee
- Mailing Costs (Current postage rate plus 10 cents multiplied by the number of property owners)
- Legal Notice Costs (this will be billed and shall be paid within 30 days of the final decision on the application)

**REMEMBER: A NONCONFORMING USE EXCEPTION MAY ONLY BE APPROVED IF IT MEETS APPLICABLE REVIEW CRITERIA AS FOLLOWS:**

- The exception is compatible with adjacent land uses and will not create adverse effects upon surrounding properties
- The exception will result in an upgrading of the property to the extent that the site considerations (parking, traffic, circulation, drainage, pedestrian ways, screening, landscaping, signs, etc.) are brought into conformance with the provisions of Chapter 14 of the Community Development Ordinance, to the maximum extent possible
- The exception is necessary to maintain a substantial property right of the applicant and avoid undue hardship which can be relieved only by excepting the provisions of Chapter 11, Sections 11.550-11.570.



# General Review Application

City of Klamath Falls Planning Department  
226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

File Number(s): \_\_\_\_\_

### OFFICIAL USE ONLY

Date Received: \_\_\_\_\_ Date Application Complete: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Date of Pre-App Meeting: \_\_\_\_\_

↓ DATE OF DLCD NOTICE—FOR ANNEXATION AND ZONE CHANGE ONLY ↓

Notice of Proposal: \_\_\_\_\_ Notice of Adoption: \_\_\_\_\_

### APPLICATION TYPE

↓ Applications processed through the City Planning Department – Check all that apply ↓

- Design Review—Major (\$300)
- Design Review—Minor (\$100)
- Conditional Use Permit (\$350)
- Variance—Major (\$250)
- Variance—Minor (\$125)
- Annexation (\$500)
- Land Partition—Tentative (\$250)
- Subdivision—Tentative (\$500)
- Zone Change (\$500)
- Nonconforming Use Exception (\$175)
- Other → Please Describe: \_\_\_\_\_

### APPLICANT INFORMATION

Please check primary contact person

**(TO BE COMPLETED IN INK)**

Landowner Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Agent (e.g. Architect, Engineer, Surveyor): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City Business License No: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

### SUBJECT SITE INFORMATION

Property Address: \_\_\_\_\_

Map & Tax Lot Number(s): \_\_\_\_\_

Subdivision, Lot & Block: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Total Size of Parcel(s): \_\_\_\_\_

Describe current uses, existing structures, other improvements and vegetation on the property: \_\_\_\_\_

Existing easements and/or deed restrictions—Purpose and Description: \_\_\_\_\_

Volume & Page Number: \_\_\_\_\_

(continued)

**PROJECT INFORMATION**

- Briefly describe the project & proposed use: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**TRAFFIC STATEMENT**

- Describe the amount of traffic the proposal will generate & its impact on local streets and traffic conditions: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ENVIRONMENTAL IMPACTS**

- Describe any noise potentially generated by the proposed use (including during construction): \_\_\_\_\_  
 \_\_\_\_\_
- Describe pollution emissions that will be generated by the proposed use: \_\_\_\_\_  
 \_\_\_\_\_
- Describe the impact of the proposal on adjacent scenic views, historical resources or other environmental resources: \_\_\_\_\_  
 \_\_\_\_\_

**CONSTRUCTION IMPACTS**

- If excavation or fill is planned, explain the purpose, location and amount of each: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- If tree removal is planned, explain the purpose of removal and the location and number of trees to be removed: \_\_\_\_\_  
 \_\_\_\_\_

**ECONOMIC IMPACTS**

- New Business or Expansion: \_\_\_\_\_
- New Employment Positions: \_\_\_\_\_
- Estimated Valuation: \_\_\_\_\_
- Estimated Revenue: \_\_\_\_\_

**PLEASE NOTE**

- If driveways are planned as part of your proposal, please note the type (residential or commercial), width and location of each on the site plan.
- If sidewalks are planned, show the width and location on the site plan.
- If water and sewer are planned, show the main lines and service lines on the site plan.
- If storm water is planned, show the main lines and service lines or on-site detention/retention on the site plan.



# ***Applicant & Owner Statement***

City of Klamath Falls Planning Department, 226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

I (we) the undersigned applicant(s) and/or owner(s) of the parcel of land located at the address listed below; identified as the Tax Account Number(s) also listed below, realize that this application rests upon the above answers and accompanying data and do hereby affirm and certify under penalty of perjury, that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge. By submission of this application, the owner and developer hereby grant the City permission to erect a public notice sign on the subject property for public information purposes.

Subject Property Address: \_\_\_\_\_

Subject Property Tax Account Number(s): \_\_\_\_\_

## **APPLICANT(S):**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the applicant listed on this application is not the sole deed holder of the property or properties described above, complete the following or submit a separate written authorization from the owner:

### **AUTHORIZATION TO ACT AS AGENT**

I (we) the undersigned, hereby certify that as deed holder(s) of record of property or properties described above, hereby authorize the person(s) listed as the applicant(s) on this application to act and appear as agent, with respect to this application.

## **LANDOWNER(S):**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Public Hearing Notice Mailing List

City of Klamath Falls Planning Department, 226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

**INSTRUCTIONS FOR PROVIDING PUBLIC HEARING NOTICE INFORMATION FOR:  
Land Partition Conditional Use Permit Flood Hazard Permit Variance Nonconforming Use Exception**

When applying for any of the above, please provide the information necessary to notify the nearby property owners about all public hearings for your project. This information is to be provided in the following manner:

Obtain a current copy of the County Assessor map (tax maps) that include your project site and all parcels within **250 feet** of any part of the parcel on which your project is located, including public rights-of-way. The exterior property lines of the parcel(s) on which your project is located, even if your project will occupy only a portion of the parcel(s), must be clearly outlined on the map, and another line must be clearly drawn indicating a distance of **250 feet** from all exterior property lines you have outlined. Check the scale shown on each map (they may be different), and use the adjoining maps if necessary to include all property within **250 feet**. **The County Assessor Office may be able to print a list of addresses for you. If interested, you may inquire with them at the County Government Center at 305 Main Street, Klamath Falls, OR 97601.**

Obtain names, addresses and tax lot numbers of all owners of property within 100 feet, as listed on the last preceding tax roll of the Assessor of Klamath County. List the above information in the following order:

- Tax Account Number
- Property Owner Name
- Street Address
- City, State and Zip Code

NOTE: Type or print labels on the form provided or on a sheet of labels. Print them legibly or the mailing list will be returned. Typed mailing labels will speed the application process.

You are required to pay for the Mailing Notice costs (current postage rate plus 10 cents multiplied by the number of property owners to be notified) with your application fee.  
You may also be required to pay for Legal Notice costs. These costs will be billed to you and shall be paid within 30 days of the final decision.

ACKNOWLEDGMENT OF MAILING LIST

STATE OF OREGON }  
COUNTY OF KLAMATH }  
CITY OF KLAMATH FALLS }

I, \_\_\_\_\_, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I submitted with my application, such names, addresses and Tax Account Numbers as are listed on the last preceding tax roll of the Assessor of Klamath County.

That said list contains a true copy of all property owners within 250 feet of the subject property.

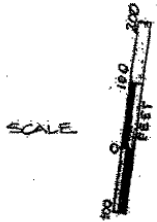
Applicants Signature \_\_\_\_\_ Date \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public for Oregon  
\_\_\_\_\_

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

KLAMATH COUNTY  
1-100'



NORTH ARROW ↑

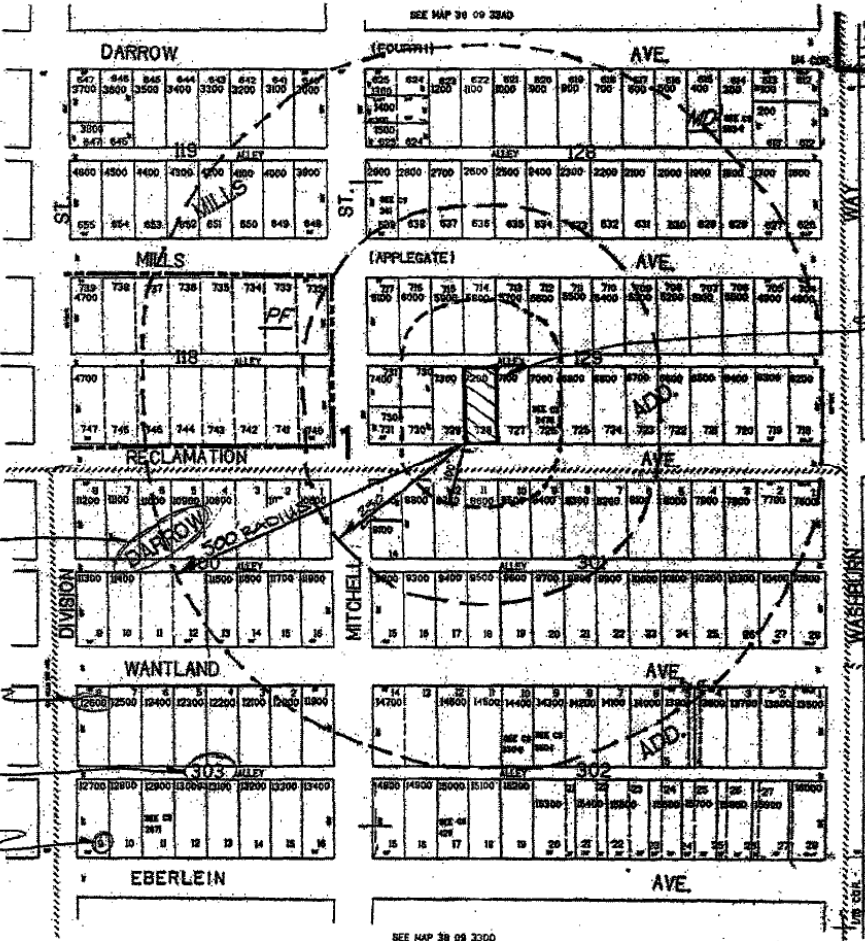
ADJOINING MAP →

SUBDIVISION NAME

TAX LOT NUMBER

BLOCK NUMBER

LOT NUMBER



SEE MAP 38 09 3300

MAP NUMBER 38-09 330A  
KLAMATH FALLS