



Nonconforming Use Exception Checklist

City of Klamath Falls Planning Division, 226 South 5th 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 - oOne paper copy and one electronic PDF copy to include:
 - ☐ 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 Development Services
226 South 5th 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* ↓

- | | | |
|--|--|---|
| <input type="checkbox"/> Design Review—Major (\$750) | <input type="checkbox"/> Design Review—Minor (\$300) | <input type="checkbox"/> Conditional Use Permit (\$1,000) |
| <input type="checkbox"/> Variance—Major (\$750) | <input type="checkbox"/> Variance—Minor (\$300) | <input type="checkbox"/> Annexation (\$500) |
| <input type="checkbox"/> Land Partition—Tentative (\$750) | <input type="checkbox"/> Subdivision—Tentative (\$1,500) | <input type="checkbox"/> Zone Change (\$2,000) |
| <input type="checkbox"/> Nonconforming Use Exception (\$175) <input type="checkbox"/> Other → Please Describe: _____ | | |

APPLICANT INFORMATION

Please check primary contact person

TO BE COMPLETED IN INK

☐ Landowner Name: _____ Daytime Phone: _____

Mailing Address: _____ E-Mail: _____

☐ Applicant Name: _____ Daytime Phone: _____

Mailing Address: _____ E-Mail: _____

☐ Agent (e.g. Architect, Engineer, Surveyor): _____

Mailing Address: _____ E-Mail: _____

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 and proposed use: _____

- Will any portion of the facility, once operational, be age restricted? ☐ Yes ☐ No

TRAFFIC STATEMENT

- Describe the amount of traffic the proposal will generate and the 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: _____

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.



Nonconforming Use Exception Application

City of Klamath Falls Planning Division, 226 South 5th 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.



Public Hearing Notice Mailing List

City of Klamath Falls Planning Division, 226 South 5th 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 250 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 _____

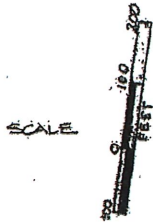
Subscribed and Sworn to before me this _____ day of _____

Notary Public for Oregon

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

KLAMATH COUNTY
1907

SEE MAP 38 00 2340



NORTH ARROW ↑

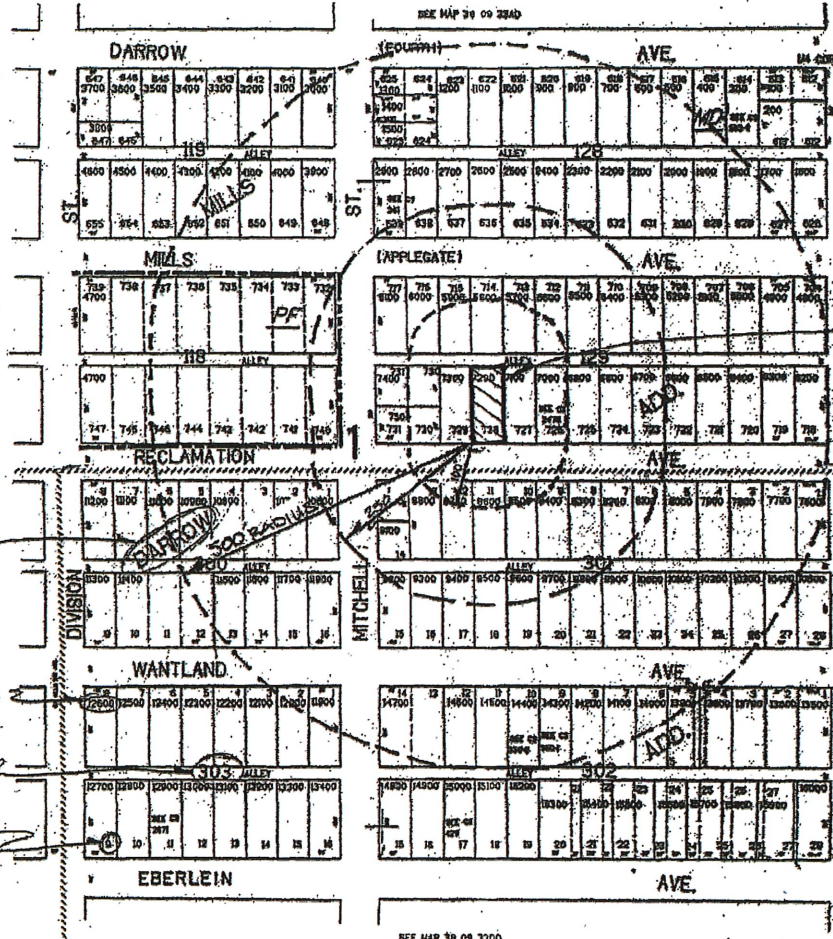
ADJOINING MAP

SUBDIVISION NAME

TAX LOT NUMBER

BLOCK NUMBER

LOT NUMBER



MAP NUMBER 38-09 330A
KLAMATH FALLS



Applicant & Owner Statement

City of Klamath Falls Planning Division, 226 South 5th 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: _____

What is the process?

What do I need to file?

Attending a pre-application meeting is strongly recommended. An appointment for a pre-application meeting can be made by calling 883-4950. You are asked to bring any drawings or pertinent information to the meeting. During the pre-application meeting, you will be given an overview of the process, comments and suggestions from various agencies, and a checklist of the information and materials you will need to provide for a complete Nonconforming Use Exception application. They include:

Completed General Permit Application
Completed Nonconforming Use Exception Application
Public Notice Mailing List for properties within 250'
Completed Acknowledgement of Mailing List form
Completed Applicant and Owners Statement Form
Site layout plan
Vicinity Map
Filing Fee
Mailing Notice costs (current rate + 10 cents x # of property owners)

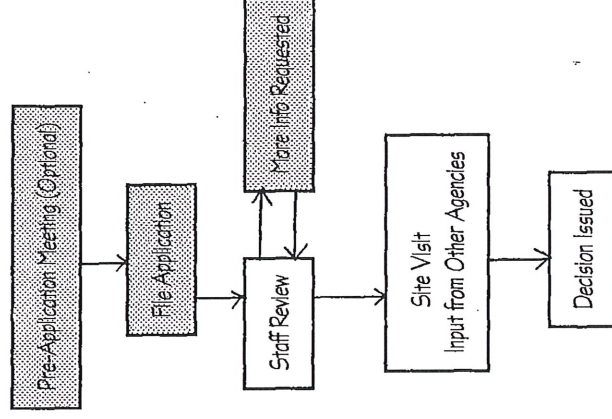
You can help expedite the review process by making sure your application is complete, your proposal is clearly stated, and all required information provided.

This guide is designed to provide general information only. It is not a City ordinance or policy and has no legal effect. The Comprehensive Plan and other chapters of the City Community Development Ordinance & City Code are the official regulations of the city. Those documents, rather than this guide are the only legal basis for assessing how city regulations affect property development.

A User's Guide to the:

NONCONFORMING USE EXCEPTION PROCESS

NONCONFORMING USE EXCEPTION PROCESS



**City of Klamath Falls
Planning Division**

**226 South 5th Street
P.O. Box 237
Klamath Falls, OR 97601
(541) 883-4950**

WHAT IS A NONCONFORMING USE?

A Nonconforming Use is an existing structure or use that was lawfully constructed or sited but no longer complies with current and use and zoning regulations.

DO I NEED A NONCONFORMING USE EXCEPTION?

A Nonconforming Use Exception is required when you want to expand, intensify a Nonconforming Use or structure. An exception is also required if you want to continue a nonconforming use (not involving a nonconforming structure) that has been discontinued for a period of six months or more, or twelve months for uses involving a structure. Please contact the Planning Department to find out if a Nonconforming Use Exception is required for your project.

WHAT LAWS' REGULATE NONCONFORMING USE EXCEPTIONS?

Sections 11.550-11.570 of the Community Development Ordinance regulate the granting of a Nonconforming Use Exception.

WHO APPROVES THE EXCEPTIONS?

The Planning Division makes the decision to approve, conditionally approve or deny the application. The Division's decision may be appealed to the Planning Commission. (See the *User's Guide to the Appeal Process* for more information)

Conditional approval of the Nonconforming Use Exception means that your application will be approved #you abide by the special conditions placed on the project. These conditions are put in place to allow the City to develop in an orderly and efficient manner and to alleviate any detrimental effects on adjacent properties.

HOW MUCH DOES IT COST?

The fee for a Nonconforming Use Exception is \$175.00. The fee for the pre-application meeting is 10% of the application fee (\$17.50). This fee is deducted from your final application fee. In total, you would pay 175.00

<http://www.ci.klamathfalls.city>

WHAT IS CONSIDERED IN REVIEWING A PROPOSED PROJECT?

When requesting approval of a Nonconforming Use Exception, applicants should keep in mind that the project will be carefully reviewed to determine how the proposal relates to the specific site and affects its neighborhood and the community. To put it another way, the decision-makers want to make sure that the development fits with the surrounding area and supports adopted community goals. The proposed use must comply with ordinance and comprehensive plan requirements and the site must be able to physically accommodate the proposed use.

HOW LONG DOES IT TAKE?

Processing times vary depending upon the site, and the complexity associated with the project. In most cases, a Nonconforming Use Exception takes about three weeks to process. You can help expedite the review process by making sure your application is complete, your proposal is clearly stated, and all required information is provided. The Planning Division is available to answer your questions regarding any application requirement. For more information, call (541) 883-4950 and ask to speak with a planner.