



# KLAMATH COUNTY PLANNING DEPARTMENT

Government Center

305 Main St., Klamath Falls, Oregon 97601

Phone 541-883-5121 Option #4 Fax 541-885-3644

## Land Partition Application

**Submittal Requirements (Please include the following with the application and the application fee.)**

- \_\_\_\_\_ 1. Land Use Application Form
- \_\_\_\_\_ 2. Burden of Proof
- \_\_\_\_\_ 3. Proof of Ownership (current deed)
- \_\_\_\_\_ 4. Power of Attorney or Agent for Owner Authorization Form  
(if someone other than the property owner is signing the application form)
- \_\_\_\_\_ 5. Proof of Lawful Creation  
(copy of all deeds for the property from April 23, 1979 through current deed,  
or land partition number, or legal subdivision lot number if applicable)
- \_\_\_\_\_ 6. Proof of Legal Access to the property from a Public Road  
(if the property is not on a public road, provide all recorded easements)
- \_\_\_\_\_ 7. Tentative plan 18" X 24" (1 copy). Additional copies may be requested if needed.
- \_\_\_\_\_ 8. One 8 ½" X 11" or 11"X17" Copy of the Tentative Plan
- \_\_\_\_\_ 9. PDF File of the Tentative Plan. (application will not be deemed completed until the PDF file is received.)

The tentative partition plan shall show the following information:

1. Partition number assigned by the Planning Department;
2. North arrow, scale, and date of preparation;
3. A vicinity map showing the general location of the property;
4. All exterior lot lines and approximate dimensions of the property being partitioned;
5. All proposed lot lines and approximate dimensions;
6. Jurisdictional or political boundaries;
7. The property location (township, range, section and subdivision - where applicable);
8. Approximate acreage of each parcel;
9. The existing and proposed use of the land;
10. Boundary lines of adjacent properties and the names of owners of record;
11. Approximate direction of slope and approximate percentage of slope for all parcels under 10 acres in size to be created;
12. Major natural physical features such as steep slopes, bluffs, rock outcroppings, canyons, all drainage;
13. All bodies of water such as rivers, streams, lakes, irrigation facilities;
14. The location and outline of existing buildings or other improvements on the property, and the address, if available;
15. The location, width and names of all existing and proposed streets or roads on or adjacent to the property;
16. The location and width of all existing and proposed easements on the property;
17. The location of all existing water wells, and the approximate location of any existing septic tanks and leach field on each parcel;
18. All existing and proposed utilities and the method of serving each parcel, including the source of domestic water and the method of sewage disposal;
19. Existing and proposed means of vehicular access to each parcels;
20. Approximate street grades and direction of surface water drainage flow on existing or proposed streets or roads;
21. The Comprehensive Plan and zoning designation(s) applicable to the property;
22. The name(s), address(es) and telephone number(s) of owners, contract purchasers, or representative of the property; and
23. The name, address, and telephone number(s) of the person preparing the tentative partition plan.
24. For a land partition of rural residential lands, a fifty (50)-foot structural setback shall be indicated from those residential property lines that are contiguous to resource lands.



# KLAMATH COUNTY PLANNING DEPARTMENT

## Land Partition

No. of Lots \_\_\_\_\_

Filing Fee: \_\_\_\_\_

File No. \_\_\_\_\_

### Applicant

Name: \_\_\_\_\_ Phone#1 \_\_\_\_\_

Address: \_\_\_\_\_ Phone #2 \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Property Owner (if different than above)

Name: \_\_\_\_\_ Phone#1 \_\_\_\_\_

Address: \_\_\_\_\_ Phone #2 \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Property Description

Assessor's Map Number(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

Acreage \_\_\_\_\_ Zoning \_\_\_\_\_

Current use(s) of the property \_\_\_\_\_

List all adjoining properties under the same ownership:

\_\_\_\_\_  
\_\_\_\_\_

### Signatures

I hereby certify that I am the legal owner(s), or authorized agent for the owner(s), of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested land use permit will not violate any deed restrictions attached to the property.

\_\_\_\_\_  
Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner/Authorized Agent

\_\_\_\_\_  
Date

**If an Agent is acting on behalf of the Legal Property Owner, an  
AGENT FOR OWNER AUTHORIZATION FORM must be submitted with this application.**

### **BURDEN OF PROOF STATEMENT**

In order to be granted approval, it is the applicant's responsibility to demonstrate that the following criteria have been met. Please attach additional sheets entitled **Burden of Proof** with each of the following sections listed and followed by Findings of Fact statements showing that the requirements are met.

### **Article 45.040 – Partition Review Criteria**

1. Explain how the proposed partition is in conformance with all standards of the KCLDC including lot size and shape (Article 61), building heights and setbacks (Article 62), sewer and water services and fire protection (Article 74 or 75) and applicable state statutes.
2. Explain how the subject property is physically suitable for the type and proposed density of development and conforms to zone standards:
3. Explain how the parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, street, or other existing or planned facilities:
4. Explain how the sewer and water facilities and existing fire protection services are adequate to serve the density of development resulting from the proposed partition.
5. Explain how the proposed partition will not conflict with legally established easements or access within or adjacent to the parcel configuration resulting from subject property.
6. Indicate whether the proposed partition will prohibit the extension of dedicated streets or roads.

**If dividing Exclusive Farm Use zoned property, please identify which of the following sections apply and address the requirements:**

### **54.080– EFU Land Divisions**

- A. Minimum Parcel Size.
  1. EFU-C Parcels are at least 80 acres in size.
  2. EFU-CG Parcels are at least 80 acres in size.
  3. EFU-G Parcels are at least 160 acres in size
- B. A division of land to accommodate a use permitted by Section 54.015, except a residential use, smaller than the minimum parcel size provided in Subsection (A) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- C. A division of land to create up to two new parcels smaller than the minimum size established under Subsection (A), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
  1. The nonfarm dwellings have been approved under Subsection 54.055;
  2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (A); and
  4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size in Subsection (A).
- D. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:

1. The nonfarm dwellings have been approved under Subsection 54.055;
  2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection (A) but equal to or larger than 40 acres;
  4. The parcels for the nonfarm dwellings are:
    - a. Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and
    - b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and
  5. The parcels for the nonfarm dwellings do not have established water rights for irrigation.
- E. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- F. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- G. This Section does not allow a division or property line adjustment of a lot or parcel that separates a use described in 54.010(BB), 54.015(C), or 54.015(G) from the lot or parcel on which the primary residential use exists.
- H. This Section does not allow a division or property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section 54.010(P).
- I. A division of land may be permitted to create a parcel with an existing dwelling to be used:
  1. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section 54.055; and
  2. For historic property that meets the requirements of Section 54.010(FF).
- J. Notwithstanding the minimum lot or parcel size described in Subsection (A),
  1. A division of land may be approved provided:
    - a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
    - b. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
  2. A parcel created pursuant to this Subsection that does not contain a dwelling:
    - a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - b. May not be considered in approving or denying an application for siting any other dwelling;
    - c. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
    - d. May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- K. A division of land smaller than the minimum lot or parcel size in Subsection (A) may be approved provided:

1. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
  2. The church has been approved under Subsection 54.010(Z);
  3. The newly created lot or parcel is not larger than five acres; and
  4. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection (A) either by itself or after it is consolidated with another lot or parcel.
- L. Notwithstanding the minimum lot or parcel size described Subsection (A), a division for the nonfarm uses set out in Subsection 54.010(L) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- M. The governing body of a county may not approve a division of land for nonfarm use under Subsection (B), (C), (D), (I), (J), (K), or (L) unless any additional tax imposed for the change in use has been paid.
- N. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- O. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:
1. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.
  2. If the parcel does not contain a dwelling, it:
    - a. Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;
    - b. May not be considered in approving or denying an application for any other dwelling; and
    - c. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

**If dividing Forestry zoned property or Forestry/Range zoned property that has not been in farm tax deferral as of 1993, please address the applicable land division requirements in Article 55.055 of the Land Development Code.**