



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

April 28, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment
DLCD File Number 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 12, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Les Wilson, Klamath County

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DLCD

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Klamath County**

Local file number: **Ordinance 45.68**

Date of Adoption: **4/18/2008**

Date Mailed: **4/18/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/30/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Applicant requests a text amendment to the Klamath County Land Development Code Article 11 to amend the definitions to meet Oregon Revised Statutes, Oregon Administrative Rules, State Building and Fire Codes.

Does the Adoption differ from proposal? Please select one

Same

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Klamath County**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD 001-08 (16677)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Les Wilson, Planning Director**

Phone: (541) 883-5121 Extension: 3079

Address: **305 Main Street**

Fax Number: 541-885-3644

City: **Klamath Falls**

Zip: **97601-**

E-mail Address: **lwilson@co.klamath.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

DLCD # 001-08
(16677)

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

RECEIVED

APR 16 2008

BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF AMENDING ARTICLE 11,)
DEFINITIONS, OF THE KLAMATH)
COUNTY LAND DEVELOPMENT CODE)

ORDINANCE NO. 45.68

WHEREAS, the Klamath County Board of Commissioners has the authority to amend the Land Development Code (KCLDC); and

WHEREAS, the Klamath County Planning Director desires to amend the Land Development Code; and

WHEREAS, a legislative public hearing was held on March 25, 2008; and, Staff Report was provided; and, public testimony was considered before the Klamath County Planning Commission; and, the Planning Commission recommended approval to amend the KCLDC; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners have held a public hearing and have determined that it is in the best interest of Klamath County to amend Article 11, the Definition Section, of the Klamath County Land Development Code by Order of the Klamath County Board of Commissioners;

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Land Development Code which are attached hereto, marked Exhibit "A", "Article 11 Definitions, Amendments and Additions," and incorporated herein by reference are hereby adopted.


DEPT OF

APR 22 2008

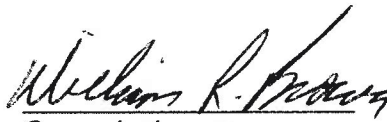
LAND CONSERVATION
AND DEVELOPMENT

DONE and DATED this 18 day of April, 2008.

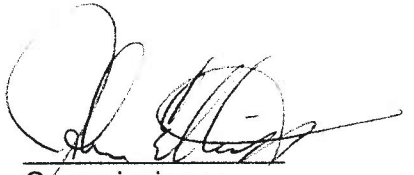
KLAMATH COUNTY BOARD OF COMMISSIONERS



Chairman




Commissioner



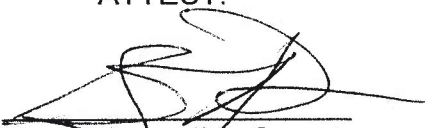
Commissioner

APPROVED FOR LEGAL SUFFICIENCY:



W. Daniel Bunch
Klamath County

ATTEST:



Recording Secretary

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

ACCESSWAY:

The place or way by which pedestrians or vehicles shall have adequate, safe and practical ingress and egress to or from a property, use or parking space. See PROOF OF LEGAL ACCESS

ACCESS:

The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING OR STRUCTURE:

Any portable, demountable or permanent structure or building, the use of which is incidental and subordinate to that of the main building, but which is located on the same lot or parcel as the principal use or building.

- a) "Accessory Building" means an accessory building as defined in ORS 446.003(1) and specifically includes, but is not limited to; cabanas, ramadas, storage sheds and garages.

- b) "Accessory Structure" means an accessory structure as defined in ORS 446.003(1) and specifically includes, but is not limited to; awnings, carports, decks, steps and ramps.

AGRICULTURE LAND:

Lands classified by the U.S. Soil Conservation Service as predominantly (51% or more) Class I-IV soils, lands in other soil classifications that are suitable for farm use as defined in ORS 215.203(2)(a), taking into account soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Agricultural land does not include land within acknowledged exception areas for goals 3 and 4.

AREA:

That area of a lot, parcel, unit of land or tract, exclusive of:

- a) Public alleys, highways or roads; or

- b) Proposed public facilities such as alleys, highways, roads or other necessary public sites when included within a proposed development project.

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

BUILDING HEIGHT:

The vertical distance from the grade plane to the average height of the highest roof surface.

CAMPGROUND:

Generally, an area of land or water maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations for public or private use, by providing designated areas for the placement of trailers, tents, yurts, buses, automobiles or sleeping bags, recreational vehicles, or other types of shelter.

CAMPGROUND ACCESSORIES:

Any portable, demountable or permanent structure or building, located within a public or private campground, intended for use by visitors and employees. Campground accessories include, but are not limited to, restrooms, laundry, bathing and sanitation facilities, picnic shelters, play areas and structures, and other amenities or support facilities.

CARPORT:

A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

COMMON AREA:

An area (which may or may not meet the minimum lot/parcel size) that is created on a subdivision, partition or condominium plat for the sole purpose as stated in the declaration.

CREATION DATE:

The recordation date of a document that creates a lot(s) or parcel(s), or the date of execution of an unrecorded land sale contract, deed, or other instrument intended to create new lots or parcels. In resource zones, when a lot, parcel, unit of land or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect being to qualify a lot, parcel or tract for the dwelling site, the date of reconfiguration is the date of creation.

DESTINATION RESORT:

A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Destination Resorts must meet the minimum statutory standards of development, as provided in ORS 197.435-467.

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including wetlands, riparian areas and open waters, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials.

DEVELOPMENT PERMIT:

Any approval required under this code for the purpose of developing property, including but not limited to site plan approval, temporary use permit, conditional use permit, partition or subdivision approval, planned unit development, final development for a destination resort, or mobile home park approval.

DISCRETE LOT OR PARCEL:

A unit of land lawfully created by a subdivision or partition plat which established the lot or parcel as a separate or individual unit of land from other contiguous units of land in the same ownership.

DWELLING:

A building, combination of buildings, or portions thereof, designed or used for human occupancy for residential purposes.

DWELLING UNIT:

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation purposes.

EQUINE FACILITY:

A building located on a farm which is used by the farm owner or the public for stabling or training equines, for riding lessons, or for training clinics. "Equine facility" does not mean a dwelling, or a structure in which more than 10 persons are present at any one time.

ESSENTIAL SERVICES:

Facilities and services which are necessary and accessory to the principle land use or development, and involve infrastructure such as pipelines, power lines and poles, distribution feeders, meter boxes and pump-houses. Essential services may include, but are not limited to water, sewer, natural gas, cable and electric power service.

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

FAMILY:

An individual or two or more persons related by blood, marriage or law; or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FARM:

As used in this code, "farm" is defined as land used for the primary purpose of raising, harvesting and selling of crops or by the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof.

FARM USE:

The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes, but is not limited to;

- (a) the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use;
- (b) the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including providing riding lessons, training clinics and schooling shows;
- (c) the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission;
- (d) other uses as set forth in ORS 215.203(2)(a).

HISTORIC SITE:

A location, structure or object having local, regional, statewide or national historic significance as indicated in the Klamath County Comprehensive Plan.

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

KENNEL:

A lot or building in which four or more dogs, cats, pot-bellied pigs or other small animals (excluding livestock) at least four months of age are kept commercially for board, breeding, training or sale.

LAWFUL CREATION:

Any building, structure, use, lot, parcel, tract, or unit of land that complied with land use laws or regulations in effect at the time of its creation or establishment.

LAWFULLY ESTABLISHED UNIT OF LAND:

A lot or parcel created pursuant to ORS 92.010; or another unit of land created in compliance with all applicable planning, zoning and subdivision or partition ordinances or regulations in effect at the time of creation; or by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances in effect at the time of creation. "Lawfully established unit of land" does not include a unit of land created solely to establish a separate tax account for assessment purposes.

LOT:

A single unit of land that is created by a subdivision of land.

PARCEL:

A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; or (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect. The term "parcel" does not include a unit of land created solely to establish a separate tax account for assessment purposes.

PARTITION PLAT:

A final map, prepared pursuant to ORS 92, containing all the descriptions, locations, specifications, provisions and necessary information concerning a land partition, that is consistent with an approved tentative plat.

PERMIT:

Discretionary approval of a proposed development of land.

POLLUTION:

A violation of applicable county, state, or federal environmental quality statutes, rules or standards.

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

PREEXISTING:

Something that was lawfully established prior to the adoption of current zoning regulations. A building, structure, lot, parcel, unit of land, or use may be preexisting.

PRIMARY OR PRINCIPLE USE:

The first use to which property is or may be devoted, and to which all other uses on the premises are accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

PROOF OF LEGAL ACCESS:

Legally recorded documentation or public permit establishing the right of ingress and egress to a lot, parcel, unit of land, or tract.

PUBLIC IMPROVEMENTS:

Physical facilities and infrastructure, including but not limited to curbs, gutters, sidewalks, street lights, street signs, roadbeds, road surfaces, storm drains and appurtenances, fire hydrants, sanitary sewers and appurtenances, and utilities.

PUBLIC ROAD:

A road over which the public has a right of use that is a matter of public record.

RAMADA:

A stationary structure having a roof extending over a manufactured structure, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from snow, sun or rain.

RECONFIGURATION, BOUNDARY:

Any change made to the boundary of a lot, parcel, tract, or unit of land.

RECREATIONAL VEHICLE PARK:

A lot, parcel, tract, or unit of land upon which two (2) or more recreational vehicle (RV) sites are located, established or maintained for the general public as temporary living quarters for recreational or vacation purposes.

REPLAT:

The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing plat or to increase or decrease the number of lots in the subdivision.

EXHIBIT A
ARTICLE 11 DEFINITION AMENDMENTS AND ADDITIONS

RIPARIAN AREA:

The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

RURAL COMMUNITY:

An unincorporated community primarily composed of permanent residential dwellings, which includes at least two (2) other uses that provide commercial, industrial, or public services (e.g., schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.

STREET:

Deleted per Ordinance 45.67

SUBDIVISION:

Either an act of subdividing land or an area or a tract of land subdivided.

VETERINARY CLINIC:

A place where large and small animals or pets are given medical attention and cared for during the time of such treatment.

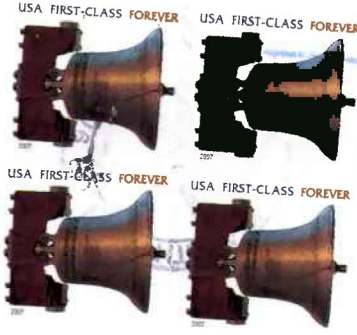
WETLANDS:

Naturally occurring land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life, and include those areas that are inundated or saturated by surface or ground water at least fourteen consecutive days during the growing season.

envelope for Ordinance

KLAMATH COUNTY PLANNING DEPARTMENT
305 MAIN STREET
KLAMATH FALLS, OR 97601

DLCD
Plan Amendment Special
635 Capitol St NE, Ste 150
Salem, OR 97301



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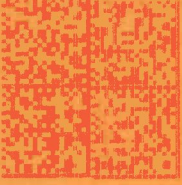
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04/21/2008

Mailed From 97601

US POSTAGE



DLCD
Plan Amendment Specialist
635 Capitol St NE, Ste 150
Salem, OR 97301-2540