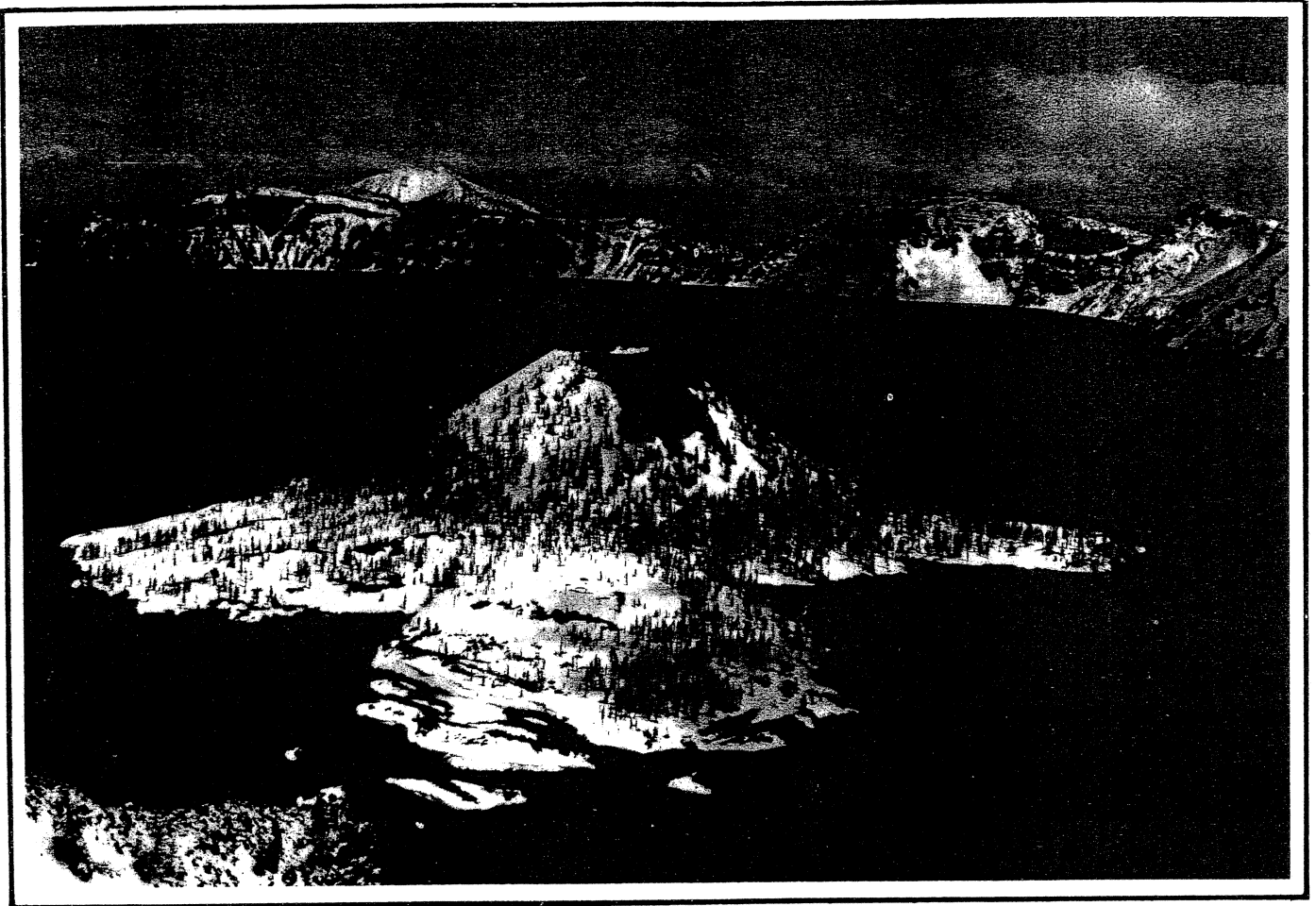
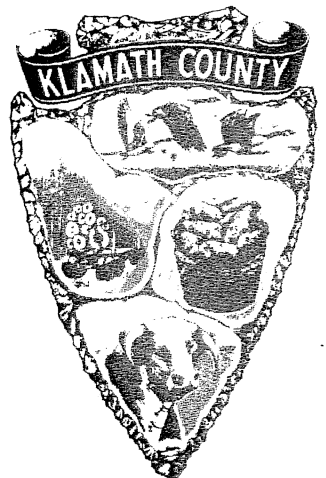


15 LAND DEVELOPMENT CODE



PART I — COMPREHENSIVE PLAN, POLICIES
PART II — ATLAS
PART III — LAND DEVELOPMENT CODE



ADOPTED: NOV. 25, 1981

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C H A P T E R 1
G E N E R A L P R O V I S I O N S

ARTICLE 10 - ENACTMENT

SECTION 10.001 - TITLE

This Ordinance shall be known as the Land Development Code of Klamath County.

SECTION 10.002 - PURPOSE

The purpose of the Land Development Code is to coordinate Klamath County regulations governing the use and development of land; and more specifically:

- A. To implement the Klamath County Comprehensive Plan and to guide and manage the future growth of the County in accordance with that plan;
- B. To promote and to protect the public health, safety, and general welfare of the citizens of Klamath County;
- C. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the County;
- D. To assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land.

SECTION 10.003 - AUTHORITY

The Land Development Code is enacted pursuant to Oregon Revised Statutes.

SECTION 10.004 - REPLACEMENT OF OTHER ORDINANCES

The Land Development Code, Ordinance 45.2, replaces all Zoning Ordinances and Subdivision Ordinances of Klamath County, Pelican City Zoning Ordinance No. 8, and Lakeshore Gardens Ordinance No. 20.

SECTION 10.005 - REPEALER

Klamath County Ordinances No. 17, 40, 8, 20, and 45.1 are hereby repealed in their entirety. All actions taken under the above-referenced ordinances shall remain in effect subject to their original conditions of approval. Ordinance 48 is hereby repealed in its entirety.

ARTICLE 11 - DEFINITIONS

SECTION 11.001 - PURPOSE

The purpose of this Article is to define the terms and phrases of this Code which are technical, specialized, or may not reflect common usage. To carry out the purpose and intent of this Ordinance and alleviate any ambiguities, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this Article.

SECTION 11.002 - DEFINITIONS INCLUDED BY REFERENCE

In addition to the definitions in this Article, the following are incorporated into this Article by reference, the same as though they were fully set forth before. If any definition in this Code conflicts with a definition included by reference, this Code shall prevail.

- A. Oregon Revised Statutes
Chapter 197 - Comprehensive Planning Coordination; Planning Districts.
- B. Oregon Revised Statutes
Chapter 215 - County Planning; Zoning; Housing Codes
- C. Oregon Revised Statutes
Chapter 92 - Subdivisions and Partitions

"A"

ABUT OR ABUTTING - the same as adjoining.

ACCEPTED FARMING PRACTICE - A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

ACCESS OR ACCESS WAY - The place, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to or from property or use.

ADJACENT - Two (2) or more lots or parcels of land having a common boundary or which are separated only by an alley, street, highway, recorded easement, or body of water.

ADJOIN OR ADJOINING - Two (2) or more lots or parcels of land which are in direct contact at some point or property line.

ADVISORY AGENCY - The Planning Commission which shall serve in such capacity to the Board of County Commissioners on all matters designated by the Board of County Commissioners.

AIRCRAFT - Any device used, or designed for flight in the air and capable of conveying persons or goods.

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.

AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT, COMMERCIAL - Any area of land or water which is used or intended to be used for the landing and taking off of aircraft and any appurtenant areas used or intended to be used for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon. Airport includes heliport and helistop.

AIRPORT AND HELIPORT, PERSONAL USE - A personal-use airport or heliport as used in this section means an airstrip restricted except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

AISLE - An access way to required vehicular parking spaces within a private, public or semi-public parking lot.

ALLEY - A public or private right-of-way permanently reserved as a means of vehicular access to the side or rear of properties abutting a street or highway.

AMENDMENT - A change in the wording, context or substance of this Ordinance, or a change in the zoning maps, which are part of this Ordinance when adopted in the manner prescribed by law.

ANIMAL HOSPITAL - A place where animals or pets are given medical or surgical treatment and are cared for during the course of such treatment. A kennel shall be considered incidental to an animal hospital.

APARTMENT HOTEL - A building or portion thereof used or containing a combination of three (3) or more dwelling units and six (6) or more guest rooms.

ARCHITECTURAL FEATURE - Open-work fences, open-air grills, decorative facade which may or may not be attached to the main building, and may project therefrom. This does not include patio.

AREA - The net area, unless otherwise specified.

AREA, NET - That area of a lot or parcel of land exclusive of:

- A. Public alleys, highways or streets, unless otherwise provided herein; or
- B. Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project, unless otherwise provided herein.

ARTERIAL - A street which provides access between large areas.

AQUACULTURE - The cultivation or growing of crops in a water environment, those crops being algae, tropical fish, prawns, catfish, etc.

ASSESSOR - The County Assessor of Klamath County.

AUTOMOBILE IMPOUND YARD - Facilities designated or maintained by a governmental agency or the authorized agent thereof for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property.

AUTOMOBILE REPAIR GARAGE - A building enclosed on not less than three (3) sides, except when fronting on a dedicated street or alley, the building shall be enclosed on all sides by walls and/or doors and used for its servicing of motor vehicles, engine overhauling and automobile upholstery.

AUTOMOBILE SERVICE STATION - The premises from which are offered for sale, gasoline from pumps, tires, tubes, batteries and lubricants and which may offer in addition, such related services as battery charging, tube and tire repair, non-mechanical auto washing, lubrication services, minor motor tune-ups, brake service, wheel alignment, sale of such items as fuels, cigarettes, candy, cold drinks, and where permitted in the zone, the rental of trailer, cars or trucks from the premises where such areas are properly designated for the storage of such vehicles. The operation of an automobile service station shall not include major motor overhaul, body and fender work, painting, auto glass replacing, welding, tire recapping, auto dismantling, and the sale of two (2) or more trailers, cars, trucks and boats from the premises.

"B"

BASEMENT - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

BATCH PLANT, CONCRETE OR ASPHALT - Means the storage, preparation and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix Plant.

BLOCK - 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.

BLOCK LENGTH - The distance, measured along all of one side of a street, which is between two intersecting or intercepting streets, or between an intersection or intercepting street and railroad right-of-way, water course, body of water or unsubdivided acreage.

BOARD - The Board of County Commissioners of Klamath County.

BOARD OF COUNTY COMMISSIONERS - The Board of County Commissioners of Klamath County.

BOARDING HOUSE - A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for five (5) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

BODY AND FENDER SHOP - A building enclosed on all sides by walls and/or doors used for the repair of motor vehicles including reforming of parts of the vehicle body, replacing fenders, doors, windows, upholstery, wheels, bumpers, radiators, headlights, etc., painting or repainting, aligning or realigning of component parts and such other work to cause such motor vehicles to be operable in accordance with the Vehicle Code of the State of Oregon.

BUILDING - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattel or property of any kind.

BUILDING, ACCESSORY - A detached subordinate building, the use of which is incidental to that of the main building or to the principal use of the land and which is located on the same lot or parcel of land with the main building or principal use of the land.

BUILDING HEIGHT - The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or

hip roof. For the purpose of determining the height limits of all airport hazard zones set forth in the Land Development Code and shown on the Airport Hazard Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

BUILDING, MAIN - A building in which is conducted a principal use of the lot or parcel of land upon which it is situated. In residential or agricultural zone, any dwelling shall be deemed to be a main building upon the lot or parcel of land on which it is situated.

BUILDING SETBACK LINE - The minimum distance required between the property line of a lot or parcel of land and any point of a building or structure related hereto, exclusive of those architectural features permitted to extend into yards or open spaces.

"C"

CABANA - A stationary, lightweight structure which may be prefabricated or demountable with two (2) or more walls used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

CAMP, YOUTH - Any place with a program established for the primary purpose of providing an outdoor group living experience for children under twenty-one (21) years of age with social, spiritual, educational or recreational objectives.

CAMPER - A structure designed to be mounted upon a motor vehicle and to provide facilities for temporary human habitation for camping purposes.

CAMPGROUND - A parcel or tract of land maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry, and commissary facilities.

CANAL OR DRAINAGE CHANNEL - Any existing or proposed open ditch, culvert or channel created, designed or constructed to transmit water for irrigation, grainage, or flood control purposes.

CARPORT - A permanently roofed structure with not more than three (3) enclosed sides, used or intended to be used for automobile shelter and storage.

CELLAR - That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor is equal to or greater than the vertical distance from grade to ceiling.

CEMETERY - Land used or intended to be used for the burial or interment of the dead and dedicated for cemetery purposes. Cemetery includes columbaria, crematories and mausoleums and may include mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery.

CENTERLINE - The centerline of a right-of-way.

CHILDREN'S HOME - One (1) or more buildings used for the semi-permanent twenty-four (24) hour care of orphans or other children deprived of parental care, operated by a public agency or philanthropic or charitable organization, but shall not include commercial enterprises operated by such organizations or correctional institution.

CLASS I STREAMS - Means waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant members of fish for spawning, rearing, or migration routes. Stream flows may be either perennial or intermittent during parts of the year.

CLASS II STREAMS - Means any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation. They are used by only a few, if any, fish for spawning or rearing. Their principal value lies in their influence on water quality or quantity downstream in Class I waters. Stream flow may be either perennial or intermittent.

CLUB, COUNTRY - A private club organized and operated for social purposes and possessing outdoor recreational facilities, which may be included but not be limited to, golf courses, tennis courts or polo grounds.

CLUB, PRIVATE - Any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

CLUSTERING - To site new structures as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure) in order to minimize the impacts of development on resource lands. Whenever possible, clustered dwellings shall use a common access road and be located within approximately 200 feet of each other.

COACH, COMMERCIAL - A vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes.

COACH, NONCOMMERCIAL - A vehicle, with or without motive power, designed and equipped for human occupancy for classrooms and other noncommercial uses.

COLLECTOR - A street which connects individual land uses with arterial streets.

COMMERCE - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term "industry") of an article, substance, commodity or service for livelihood or profit, including in addition, operation of mobile home parks, motels, public garages, office buildings, offices of doctors or other professionals, outdoor advertising signs and/or structures, public stables, recreation and amusement enterprises, places where commodities or services are sold or offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMERCIAL AGRICULTURAL ENTERPRISE - Consists of farm operations which will contribute in a substantial way to the area's existing agricultural economy, help maintain agricultural processors and established farm markets, not only what is produced, but how much and how it is marketed shall be considered.

COMMERCIAL FOREST ENTERPRISE - Consists of forest operations which will contribute in a substantial way to the area's existing forest economy, help maintain forest processors and established forest markets.

COMMISSION or PLANNING COMMISSION - The Planning Commission of Klamath County.

COMMUNICATION EQUIPMENT BUILDING - A building housing operating mechanical or electronic switching equipment of a telephone or similar communication system and personnel necessary for operation of such equipment.

COMPREHENSIVE PLAN - The Comprehensive Plan of Klamath County, Oregon.

CONCERT - A public performance of several musical compositions.

CONDITIONAL USE PERMIT - The granting of a permit to allow a specific use of land which use is denoted as the use permitted by rights of a conditional use permit and which use is considered appropriate to the area in which it is to be located and will not be detrimental to abutting properties. Uses listed in this Ordinance as being permitted by conditional use permit and that were in existence on the effective date of this Ordinance may continue without securing a conditional use permit, however, any extension or expansion of such use or structure related there shall be subject to the granting of a conditional use permit.

CONDOMINIUM - An estate in real estate property consisting of an individual interest in common in a portion of real property together with a separate interest in space for residential, commercial, industrial or other purposes. A condominium may included, in addition, a separate interest in other portions of such real property.

CONTIGUOUS - Two (2) or more lots or parcels of land which are in direct contact along a portion of a common property line. A point connection does not constitute contiguous property.

CONVALESCENT HOME - The same as rest home.

CORNER LOT - A lot of which two or more sides abut a street.

COUNTY - The County of Klamath.

COUNTY CLERK - The County Clerk of Klamath County.

COURT - An open, unoccupied space, bounded on two (2) or more sides by the walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

COVERAGE - That portion of a lot or building site which is occupied by any building or structure, regardless of whether said building or structure is intended for human occupancy.

CUL-DE-SAC - A short street with one end open to traffic and terminated at the other end by a vehicle turnaround.

CURRENT EMPLOYMENT - Current employment of land for farm use includes:

- A. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- B. Land planted in orchards or other perennials prior to maturity; and
- C. Any land consisting of woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.

"D"

DAIRY - Any premises where five (5) or more cows or goats, or any combination thereof equaling five (5) or more animals, are kept or maintained for the purpose of producing milk for sale.

DESIGN - Design of any street or alley alignments, grade or width, alignment of width of easements and right-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

DEVELOPER - The same as subdivider, or if not creating a subdivision, a person who as a result of such subdivision proposed to, or does develop the land, whether it be for public or private purposes.

DEVELOPMENT - Any division of land through partitioning or subdivision, the carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land, or a change in the intensity of the use of land.

DIRECTOR - The Planning Director of Klamath County.

DISPOSAL SITE - Land and facilities used for the disposal, handling, or transfer of or resource recovery from solid waste, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by public or by a solid waste collection service and composting plants; the term does not include a facility subject to the permit requirements of ORS (449.083) 468.740; a land fill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete, or other similar nondecomposable material unless the site is used by the public either directly or through a solid waste collection service; or a site licensed pursuant to ORS 481.345.

DRAINAGE, STORM DRAINS, STORM WATER CHANNELS - An existing, or proposed open ditch, culvert or open channel created, designed or constructed to transmit water for flood control or irrigation purposes.

DRIVEWAY - An access to required off-street parking.

DUMP - A place used for the disposal, abandonment, discarding, dumping, reduction, burial, incineration or other means of solid waste, garbage, trash, refuse or waste materials or substances.

DUPLEX - The same as dwelling, two-family.

DWELLING, MULTIPLE - A building or portion thereof, designed for occupancy of two (2) or more families, living independently of each other and containing two (2) or more dwelling units.

DWELLING, ONE-FAMILY - A detached building designed or used exclusively for occupancy by one (1) family and containing one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building designed or used exclusively for occupancy by two (2) families and containing two (2) dwelling units.

DWELLING UNIT - One (1) or more rooms in a building or portion thereof, designed, intended to be used, or used for occupancy by one (1) family for living and sleeping quarters and containing only one (1) kitchen.

"E"

EASEMENT - A grant of the right to use a portion of land for specific purposes.

EDUCATIONAL INSTITUTION - Public, parochial and other nonprofit institutions conducting regular academic instructions at kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities and nonprofit research institutions. Such institutions must either offer general academic instruction equivalent to standards prescribed by the State Board of Education or confer degrees as a college or university or undergraduate or graduate standing, or conduct research. Educational institution does not include schools, academies or institutions, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools. Educational institution may include, however, but not be limited to, classrooms, athletic fields, gymnasiums, parking, observatories, etc.

ELECTRICAL GENERATION FACILITY - Hydro, solar, thermal, wind or biomass electrical generation facility.

EXPLOSIVES - Any explosive substance having a power equal to or greater than that of ordinary black powder, including, but not limited to, blasting caps, detonating, fulminating, or electric caps, gunpowder and dynamite, but shall not include fixed ammunition for small arms.

"F"

FAMILY - An individual or two (2) or more persons related by blood, marriage or adoption living together in a dwelling unit, which may also provide meals or lodging for not more than four (4) additional persons living in the same dwelling unit; or a group of not more than five (5) persons who need not be related by blood or marriage living together in a dwelling unit.

FARM UNIT - A single farm unit may consist of any number of contiguous tax lots, including tax lots separated only by a road or highway, which are managed jointly as a single farm unit in a given area.

FARM USE - The current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in Subsection (3) of ORS 215.203.

FEDERAL GOVERNMENT - The Government of the United States.

FEED LOT - An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing and does not include stock yards.

FENCE - Any structure forming a physical barrier which is so constructed to be impenetrable to persons and animals, or mark a boundary.

FISH HATCHERY - A place for hatching fish eggs.

FLIGHT STRIP - Any area of land or water which is used or intended to be used for the landing and taking off of aircraft, loading and unloading of passengers and cargo.

FLOOD FRINGE - The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA - The total horizontal area of all the floors of a building measured from the exterior surface of the outside walls including all floors below ground level but exclusive of vent shafts, courts, accessory garages, cellars and other accessory uses, including but not limited to, stairways, stairwells, elevator shafts, etc.

FLOOR AREA RATIO - The numerical value obtained through dividing the above ground floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

FORESTRY - The management and use for human benefit of the natural resources that occur on and in association with forest lands.

FOREST USE - The employment of land for the production of trees and the processing of forest products; for open space, buffers from noise, and visual separation of conflicting uses; water shed protection and wildlife and fisheries habitat; soil protection from wind and water; maintenance of clean air and water; outdoor recreational activities and related support services and wilderness values compatible with these uses; and grazing land for livestock.

FREEWAY - A highway in respect to which the owners of the adjoining lands have no right or easement of access to or from their adjoining lands, or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be

such in compliance with the Streets and Highways Code of the State of Oregon, including principal roadways, interchange roadways connecting one freeway with another, and ingress and egress ramps connecting the freeway with other streets or highways, but not including frontage roadway.

FUTURE STREET PLAN - 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.

"G"

GARAGE - Any building, with not less than three (3) enclosed sides, which is used or intended to be used for automobile shelter or storage. When fronting on a dedicated street or alley, such building shall have a door or doors.

GEOHERMAL PROCESS USE - Use of the geothermal resource as a source of heat and/or energy which constitutes a fundamental and significant part of an industrial or commercial operation, and related residential needs.

GEOHERMAL RESOURCE - Fluid, steam or dry heat generally at a temperature sufficient for space heating (55°F) or as defined by ORS 523.015.

GROUND LEVEL - The average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

GRADE GRADIENT - The rate of vertical change of ground expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

GREENHOUSE - A building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath which is devoted to the protection or cultivation of flowers or other plants and shall be classified as a building in determining lot coverage.

GUEST - Any transient person who occupy a room for sleeping purposes.

GUEST HOUSE - Living quarters within an accessory building located on the same premises with a main building and occupied solely by members of the family or temporary guests. Such quarters shall have no kitchen and shall not be rented or otherwise used as a separate dwelling unit and shall be classified as a building in determining lot coverate.

GUEST RANCH - Any property operated as a ranch which offers guest rooms for rent or hire and which has outdoor facilities such as horseback riding, swimming or hiking.

"H"

HALF STREET - 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.

HARDSHIP CASE - A situation in which the health, safety or welfare of a community member could be protected or improved by allowing an additional home in an appropriate zone.

HEALTH STUDIO OR SALON - A studio or salon providing facilities and services to aid in personal health pursuits.

HEDGE - Trees, shrubs, or other vegetation so arranged to form a physical barrier or enclosure.

HEIGHT - See Building Height

HELIPORT-COMMERCIAL - Any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo and may include other appurtenant facilities permitted at a heliport other than a shelter for passengers.

HELISPOT - A site reserved for the landing and taking off of helicopters, loading and unloading of passengers and cargo.

HIGHWAY - As used in this ordinance, shall include a parkway, major or secondary highway or freeway.

HIGHWAY, MAJOR - A major highway shown as such on a master plan of streets and highway.

HOME OCCUPATION - An occupation or enterprise carried on within a dwelling for financial gain or support by a member of the immediate family residing within the dwelling.

HOSPITAL - An institution providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitarium, sanatorium and institutions for the cure of chronic drug addicts and mental patients.

HOTEL - Any building or portion of any building with access provided through a common entrance, lobby or hallway to six (6) or more guest rooms, having no cooking facilities, and which rooms are designed, intended to be used, or are used, rented or hired out as temporary or overnight accommodations for guests.

HOUSEHOLD PET - Any domesticated animal commonly maintained in residence with men.

HYDROPONICS - The cultivation or growing of plants in a nutrient solution.

"I"

IMPROVEMENTS - Physical facilities and infrastructure, including but not limited to curbs, gutters, sidewalks, street lights, street signs, roadbed, road surface, storm drains and appurtenances, fire hydrants, sanitary sewers and appurtenances, and underground utilities.

INDUSTRY - The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof, including storage elevators, truck terminals and the like, warehouses, wholesale storage and other similar types of endeavors.

"J"

JUNK AND SALVAGE YARD - Any premises used for the keeping or storage of junk, including but not limited to, iron and scrap metals, paper, rags, glass, wood and similar materials and shall include the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere. Junk and salvage yard shall also include the baling of cardboard, cardboard boxes, paper and paper cartons.

"K"

KENNEL, COMMERCIAL - Any lot or premises on which dogs or other animals are kept for boarding, training and selling for compensation.

KENNEL, NONCOMMERCIAL - Any lot or premises on which four (4) or more dogs or other animals, at least four (4) months of age, are kept, boarded or trained.

KITCHEN - Any space within a building designed, intended to be used or used for the cooking or the preparation of food. .

"L"

LANDSCAPING - The planning and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone and structural features, including but not limited to fountains, reflecting pools, art works, screens, walls, fences and benches.

LAND USE CHANGE - Land use change as used in the Goal 5 portion of the planning process is defined as a change in status through major or minor land partitions, variances, change of CLUP classification, change of zone, subdivision, or conditional use permit or actions for uses not permitted outright in current zoning designations.

LEGISLATIVE - A term applied to the action of public administrative officers which predetermine what the law shall be for the regulation of future issues falling under its provisions. This is to be distinguished from a judicial act, which is a determination of what the law is in relation to some existing issue (s).

LIVESTOCK - Domestic animals of types customarily raised or kept on farms for profit or other purposes.

LOADING SPACE - An area, other than a street or alley, on the same lot with a building or group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LOT - A unit of land that is created by a subdivision of land, except that when used in conjunction with other terms, such as "lot area" or "lot depth," lot may refer to both a parcel as well as a lot as defined here.

LOT AREA - The total area, measured in a horizontal plane included within the lot lines of a lot or parcel of land. Portions of a lot or parcel of land which have a slope of four to one (4 feet horizontal to 1 foot vertical) or steeper, shall not be included in the computation of lot area. Such provisions shall not apply to real property within zones requiring lot areas of 20,000 square feet or more.

LOT, CORNER - A lot or parcel of land situated at the intersection of two (2) or more streets and/or highways, which streets or highways have an angle of intersection, measured within said lot or parcel of land, of not more than one hundred thirty-five degrees.

LOT DEPTH - The horizontal distance measured between the mid-points of the front and rear lot lines.

LOT, FLAG - A unit of land whose main body is connected to a street, road, or easement with access to a street or road by a narrow strip of land.

LOT, INTERIOR - A lot or parcel of land other than a corner lot.

LOT, ISLAND - A parcel or lot which is completely surrounded on all four sides by another lot or parcel.

LOT, KEY - An interim lot adjoining the rear lot line of a reverse corner lot.

LOT LINE, FRONT - In the case of an interior lot, the lot line separating the lot from the street and in the case of a corner lot, a line separating the lot from the street on which the development or contemplated development will face.

LOT LINE, REAR - A lot line which is opposite and most distant from the front lot line. For a triangular shaped lot the rear lot line shall mean a line having a length of not less than ten (10) feet within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

LOT LINE, SIDE - Any lot boundary line which is not a front lot line or a rear lot line.

LOT, REVERSED CORNER - A corner lot, the side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said corner lot.

LOT, SUBSTANDARD - A lot whose area, width or depth is less than that required by the zone in which it is located.

LOT, THROUGH - An interior lot having a frontage of two (2) streets and/or highways.

LOT WIDTH - The horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance midway between the front and rear lot lines.

"M"

MAP - A final diagram, drawing or writing concerning a major partition.

MARGINAL ACCESS STREET - A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

MARQUEE - A permanent, roofed structure attached and supported by the building and projecting over public or private property.

MEDICAL CLINIC - Any facility providing physical or mental health service, and medical or surgical care of the sick or injured but shall not include inpatient or overnight accommodations. Medical clinic includes health center, health clinic and doctors' offices.

MEDIAN - That portion of a divided highway separating the traveled ways for traffic progressing in opposite directions.

MICROWAVE STATION - A building housing equipment necessary for the receiving, amplifying or transmitting of microwave signals, including necessary antenna systems along a communications route which employs microwave frequencies assigned by the Federal Communications Commission.

MOBILE HOME - A structure constructed for movement on the public highway, and for site delivery and has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes.

MOBILE HOME PARK - Any place where four (4) or more mobile homes are parked within five hundred (500) feet from one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

MODULAR HOME - A structure which is partially assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit. Also called prefabricated home.

MOTEL - One (1) or more buildings containing guest rooms or dwelling units, with one (1) or more such rooms or units having a separate entrance leading directly from the outside of the building or from an inner court. Such facilities are designed, used, or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. Motel includes auto courts, motor lodges, tourist courts and motor hotels.

MOTOR HOME - A motor vehicle originally designed or permanently altered and equipped for human habitation or to which a camper has been attached and which is not used to transport property on its own structure other than property used for human habitation or camping purposes. House car includes a camp car.

MOTOR VEHICLE - A self-propelled device licensed by the State of Oregon by which any persons or property may be propelled, moved, or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

"N"

NOISE EXPOSURE FORECAST (NEF) - A measure of the total noise exposure near an airport; it is derived from effective perceived noise levels (EPNL) contours for individual aircraft by including considerations of mix of aircraft, number of times by operations, runway utilization, flight path, and operating procedures. The EPNL contours which comprise the NEF contour are physical measures derived from instantaneous measurements based on an approximation to subjective evaluations of "noisiness" and corrected for pure tones and for the duration of the noise.

NONCONFORMING USE - Any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time this Code or any amendment thereto became effective but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

NONCONFORMING STRUCTURE - Any structure or improvement that was lawfully established and in compliance with all applicable laws at the time this Code or any amendment thereto became effective, but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all the applicable regulations and standards of the zone in which the structure or improvement is located.

NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance. It also means a runway for which a nonprecision approach is planned and is so indicated on an FAA-approved airport layout plan; a military service's approve military airport layout plan; any other FAA planning document, or military service's military airport planning document.

NURSERY SCHOOL - A school providing day care for pre-elementary school age shildren.

NURSING HOME - The same as rest home.

"O"

OFFICIAL MAP - 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.

ORDINANCE - An ordinance duly enacted by the legislative authority having jurisdiction.

OUTDOOR ADVERTISING - The use of a sign or signs soliciting public support or directing the public attention to the sale, lease, hire, or use of any objects, products, services or functions which are not produced, sold or otherwise available on the premises where such sign is erected or maintained.

OWNER - The individual, firm, association, syndicate, partnership or corporation having proprietary interest in real property.

"P"

PARCEL - A unit of land created by a partitioning of land.

PARKING SPACE - A readily accessible area, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one (1) motor vehicle.

PARKWAY - A parkway shown as such on a master plan of streets and highways.

PARTIES TO THE HEARING - All persons whose names appear in the Log of Interested Parties, and all individuals, corporations, partnerships, or any other groups who appear either in person or who submit written testimony to a public hearing.

PARTITION - The act of partitioning land or an area or tract of land which has been partitioned.

PARTITION LAND - A division of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include lien foreclosures, divisions of land resulting from foreclosures of recorded contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the Land Development Code. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

PARTITION, MAJOR - A partition which includes the creation of a road or street.

PARTITION, MINOR - A partition that does not include the creation of a road or street.

PATIO - A roofed area permanently open on not less than three (3) sides and used solely for outdoor living. Said patio will be considered to be open when enclosed by screening or any structure or structural material forming a physical barrier so not less than fifty (50) percent of the vertical surface is permanently open to permit the transmission of light, air and vision through said surface in a horizontal plane but which is unpenetrable to persons and animals.

PEDESTRIAN WAY - A right-of-way reserved for pedestrian traffic.

PERSON - Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, foreign country, or any other group or combination acting as a unit.

PETROLEUM BULK PLANT - Any premises used for the wholesale distribution and storage of gasoline, oil or petroleum but shall not include the storage of liquid petroleum gas, a tank farm, or be connected to a pipe line constituting, in effect, a petroleum terminal.

PLANNING DIRECTOR - The Planning Director of Klamath County.

PLANNED UNIT DEVELOPMENT - A development approved by the proper authorities based on a comprehensive and complete design or plan denoting all forms of uses of the land affected by the plan.

PLAT, FINAL - The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning the subdivision which the subdivider submits for approval and intends to record in final form.

PLAT, PRELIMINARY - The map, drawing, diagram, replat or other writing submitted with an application to subdivide land.

PORTE-COCHERE - An accessory structure open on three (3) sides and attached to the side or front of a building through which cars pass and is for the loading and unloading of passengers from an automobile. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

POULTRY - Domestic birds and/or fowl customarily raised or kept on a farm for profit or other purposes.

POUND - A place used for the temporary detention of stray or unlicensed animals having facilities for four (4) or more animals.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; any other FAA planning document, or military service's military airport planning document.

PRESERVE, HUNTING AND FISHING - An area used primarily for regulated hunting or fishing in accordance with applicable statutes.

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PROFESSIONAL HOME OFFICE - An office contained within the residence of a member of a profession which is used by said professional in the provision of his services.

PUBLIC UTILITY - Any corporation, including municipal or quasi-municipal corporation, service district, company, individual, or association that owns or operates any plant or equipment:

- A. For the conveyance of telegraph or telephone messages, with or without wires;
- B. For the transportation of water, gas, or petroleum products by pipeline;
- C. For the production, transmission, delivery or furnishing of heat, light, water, or electricity;
- D. For the transmission and delivery of television pictures and sound by cables;
- E. For the transportation of persons or property by street railroads or other street transportation or common carriers;
- F. For the treatment and disposal of sewage; or
- G. For the disposal of storm water runoff.

PUBLIC UTILITY, RESOURCE ORIENTED - A power generating plant requiring or utilizing a fuel source which is found specifically on-site to the facility, including but not limited to solar, geothermal, wood, hydro, wind and fossil fuel.

PUBLIC UTILITY SERVICE CENTER - Any buildings or premises used for the administration of public utility repair, maintenance and installation crews including parking for vehicles, but not including warehouses or storage yards.

PUBLIC UTILITY SERVICE YARD - Any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as part of the service yard use.

"Q"

QUARRY - Any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations, including washing, crushing, screening, and temporary storage, for the removal of ores, precious stones, or other solid minerals.

QUARRY, NONCOMMERCIAL - A quarry where not more than ten (10) percent of the material by volume of the quarry site can be made available to the public. The meaning of public shall not include federal, state, city and county governments.

QUASI-JUDICIAL - A term applied to the action of public administrative officers who investigate facts and draw conclusions from them, as a basis for their official action and to exercise discretion of a judicial nature.

"R"

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

RECREATION CAMP - An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational, religious or therapeutic purposes.

RESIDENCE - One (1) or more rooms designed, used or intended to be used as permanent living quarters for a family and not as temporary or oversight accommodations.

REST HOME - A home offering or providing lodging, meals, nursing, dietary, or other personal services to convalescents, invalids or aged persons but not including surgery or the care of persons with contagious or communicable diseases. Rest home includes convalescent home and home for the aged.

RETIREMENT LOT - A lot which may be separated from contiguous property under the same ownership for at least 5 years with a partition application for the purpose of creating or separating a retirement homesite for a farmer or rancher in an EFU or Forestry zone. The retirement lot shall be exempt from the minimum lot size requirement of the EFU and Forestry zones. The remainder of the retirement lot shall not be further partitioned for a similar purpose for a period of 15 years.

REVERSED CORNER LOT - 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.

RIGHT-OF-WAY - The area between boundary lines of a street, way or other easement.

ROADWAY - The portion or portions of street right-of-way developed for vehicular traffic.

- A. Road: A public or private way which is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress in conjunction with the use of such land for forestry, mining or agricultural purposes. As defined here, the use of land for a forestry, mining, or agricultural purpose means the primary, but not the casual or incidental use of land for this purpose.
- B. Public Road: Public road shall mean (a) Any road officially established for the use of the public by the Board of Commissioners under procedures authorized in the Oregon Revised Statutes; (b) Any road established by a good and sufficient deed, properly executed forever dedicating the land and granting such public road easement, which deed has been, or is, accepted by the Board of Commissioners and placed on record; or (c) Any road dedicated to the use of the public for road purposes by a final plat of a subdivision, which has been approved and accepted by the Board of Commissioners and placed on record.

ROOM - An unsubdivided portion of the interior of a dwelling excluding bathrooms, kitchens, closets, hallways and service porches.

ROOM, GUEST - One (1) room which does not contain cooking facilities and is designed, used or intended to be used as temporary sleeping accommodations for any person.

ROOMING HOUSE AND BOARDING HOUSE - A lodging house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public whether with or without meals. Rooming house includes fraternity and sorority houses.

RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.

RUNWAY 7-25 - A visual Utility Runway located at the City of Klamath Falls Municipal Airport/Kingsley Field, aligned in an east-west direction and designated as a primary runway.

RUNWAY 14 - A nonprecision Instrument Runway located at the City of Klamath Falls Municipal Airport/Kingsley Field, aligned in a southeast direction and designated as a crosswind runway.

RUNWAY 18-36 - A Visual Utility Runway located at the City of Klamath Falls Municipal Airport/Kingsley Field, aligned in a north-south direction and designated as a crosswind runway.

RUNWAY 32 - A Precision Instrument Runway located at the City of Klamath Falls Municipal Airport/Kingsley Field, aligned in a northwest direction and designated as a primary runway.

RURAL LAND - Rural lands are those which are outside the urban growth boundary and are: (a) Non-urban agricultural, forest or open space lands, or (b) Other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

RURAL COMMUNITY - Rural communities are nearly identical in function as rural service centers. Rural communities, however, have both community sewer and water systems which allow for greater development densities (one dwelling unit per 5,000 square feet).

RURAL SERVICE CENTER - An unincorporated industrial and/or convenience-commercial and residential center of a nature and size only as required to serve the needs of the surrounding rural lands. Typically, rural service centers are isolated, rather compact and located at junctions of principal rural roads or at other strategic locations. The absence of key public facilities (community sewer and water systems) limit development densities to a maximum of one dwelling unit per acre.

"S"

SANITARIUM AND SANATORIUM - The same as a hospital.

SCENIC VIEW AREA - The principal line of vision from a recognized viewpoint. (The viewpoints are inventoried and scenic view areas are defined in the Significant Resource Map.)

SCHOOL, TRADE - Private schools offering instruction in the technical, commercial and/or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar commercial establishments.

SECRETARY OF THE PLANNING COMMISSION - The Planning Director of Klamath County, or his deputy.

SEPARATOR - A device used to separate traffic, utilities, waterways, etc.

SIDEWALK - A pedestrian walkway with a permanent surface.

SIGN, ACCESSORY - Any sign other than outdoor advertising.

SIGN - Any method of display or part thereof, for visual communication that shall include any announcement, declaration, demonstration, display, illustration or insignia, which is used to advertise or promote the interest of any person, business, group or enterprise and shall include accessory signs and outdoor advertising, but shall not include official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty, or by any person giving legal notice, directional warning or information structure required or authorized by law or by federal, state or county authority or permanent memorial or historical signs, plaques or markers.

SIGN AREA - The field of the sign, not including structural supports and not including the face of the building, except that portion which forms the field.

SITE PLAN - A plan other than a building plan showing the physical arrangement, design or use of a lot or parcel of land, buildings or structures indicating uses, form, dimensions and other pertinent data.

SOLAR -

- A. Solar heating hours: Those hours between 3 hours before and 3 hours after the sun is at its highest point above the horizon on December 21.
- B. Collector surface: Any part of a solar collector that transmits incident solar radiation for passive solar space heating or absorbs incident solar radiation for use in collector's energy transformation.

- C. Incident solar radiation: Solar energy falling upon a given surface area.
- D. Minimum solar collector energy contribution standards: The minimum for solar domestic or pool water heating shall be 50 percent and for solar space heating 20 percent during solar heating hours. The governing body shall approve the minimum for other particular uses.
- E. Shaded: A solar collector is deemed shaded if vegetation or structures block the incident solar radiation that would otherwise reach its collector surface during solar heating hours.
- F. Solar structure: A structure which has passive solar design or active solar collection devices which meet minimum solar energy contribution standards.
- G. Passive solar space heating: Heating of the interior of a structure by a direct, indirect or isolated gain system consisting of glazing and thermal mass which stores energy and releases energy within the structure by radiation, conduction, and/or natural convection.

SOLID FILL - Any non-combustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

SOLID FILL PROJECT - Any operation of a parcel of land where more than one thousand (1,000) cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

SOLID WASTE - All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semisolid wastes, dead animals and other wastes; but the term does not include:

- A. Environmentally Hazardous Wastes as defined in Section 1, Chapter 699, Oregon Laws 1971.
- B. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

STATE - The State of Oregon.

STOCKYARD - A yard for stock in which cattle, sheep, goats, swine, or horses are kept temporarily for slaughter, market or shipping.

STORY, HALF - A story with at least two (2) of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds (2/3) of the floor area of the floor immediately below it.

STREET - A public or private way which is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress in conjunction with the use of such land for forestry, mining or agricultural purposes.

STREET PLUG OR RESERVE STRIP - 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.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as bearing walls, column, beam or guides, floor or ceiling joists, roof rafters, roof diagrams, roof trusses, foundations, piles, retaining walls or similar.

STRUCTURE - Anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

STRUCTURE, ADVERTISING - A structure existing, erected or maintained to serve exclusively as a stand, frame or background for the support display of signs.

SUBDIVIDE - The division of an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

SUBDIVIDER - Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

SUBDIVISION - The act of subdividing land or an area or a tract of land which has been subdivided.

"U"

URBAN AREA - All lands located within the Long-Term Urban Growth Boundaries shown in the Comprehensive Master Plan.

USE - The primary or principal activity, structure, or facility occurring upon land.

USE, ACCESSORY - An activity, facility, or structure which is incidental and subordinate to a permitted use established on the same lot and which may be necessary for the successful operation of said permitted use.

"V"

VACATION TRAILER - A vehicle or structure equipped with wheels for highway use that is intended for temporary human occupancy, is not permanently placed, used for residential purposes and is being used for vacation and recreational purposes.

"W"

WATER SUPPLY AND TREATMENT FACILITY - Land and buildings used for storage and distribution of water including pumping stations, reservoirs and storage tanks, and treatment facilities needed to provide water for domestic purposes.

"Y"

YARD - An open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

YARD, FRONT - A yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is co-terminus with the property line of a fully widened street or highway, or the ultimate street line of a partially widened street or highway and a line parallel thereto on the lot or parcel of land.

YARD, REAR - A yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

YARD, SIDE - A yard extending from the required front yard, or the front lot line where no front yard is required to the required yard or to the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard is bounded by a street or highway, the width of such required side yard shall be a specified horizontal distance between the side lot line on the street or highway side, where said side lot line is co-terminus with the street line of a fully widened street or highway, or the ultimate street line parallel thereto on the lot or parcel of land.

"Z"

ZONE, APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL - The area under the approach, transitional, horizontal, and conical surfaces defined in Part 77, Objects Affecting Navigable Air Space, Federal Aviation Regulations, as now or hereafter published by the Federal Aviation Administration (FAA) of the U. S. Department of Transportation.

ZOO - A zoological garden or collection of living animals maintained and operated for public display.

ARTICLE 12 - ADMINISTRATION

SECTION 12.001 - SCOPE AND COMPLIANCE

- A. Proposed Uses. The provisions of this Code are applicable to all lots, buildings, and structures and uses of land to be created, established, constructed or altered subsequent to the adoption of this Code unless specifically exempted by this section.
- B. Existing Uses. The provisions of this Code are not retroactive in their effect on a use of land lawfully established on the date of adoption of this Code, unless an alteration, expansion or modification to an existing use is proposed which requires a land use decision pursuant to this Code. All variances, conditional use permits, or other permits granted pursuant to the provisions of duly enacted ordinances shall remain in effect and shall be subject to all the conditions and provisions governing such variances, conditional use permits or other permits, unless otherwise revoked, pursuant to applicable provisions contained herein.

SECTION 12.002 - CONSISTENCY WITH PLANS AND LAWS

- A. Actions initiated under this Code shall be consistent with the adopted Klamath County Comprehensive Plan and with applicable county, state, and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.
- B. Whenever reference is made to any portion of this Code, or of any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.
- C. If any provisions or portions of any provisions of this Code, or the application thereof to any property or person is held invalid, the remainder of the Code and the application of such provision to other persons or lands shall not be affected.
- D. The rights granted by any variance, conditional use permit, temporary use permit, or building permit pursuant to any ordinances repealed by this Code shall not be affected by such repeal, however, such permit or approval shall be contained or maintained in accordance with the provisions of this Code.
- E. Any use established or conducted, or any building or structure existing in violation of any duly enacted ordinance upon the effective date of this Code, shall not be deemed to have acquired status of rights of a non-conforming classification by reason of the adoption of this Code or any provisions thereof. To the extent that such use, building or structure was in violation of such ordinance, statute or law, or in violation of this Code, such shall be deemed a continuing violation.

SECTION 12.003 - OFFICIAL ZONING MAPS

The various zones defined in this Code are denoted on the Official Zoning Map (or maps) of Klamath County and are adopted as a part of this Code and any other zoning map or maps denoting any type of zoning are declared null and void and are superseded by the Official Zoning Map (or maps) of Klamath County.

SECTION 12.004 - UNCERTAINTIES OF ZONE BOUNDARIES

Where uncertainties exist as to boundaries of any zone shown upon the Official Zoning Map (or maps) of Klamath County, the following provisions shall apply:

- A. Where boundaries are indicated as approximately following lot lines, rights-of-way of highways, streets, alleys, roads, canals, railroads, or contours and the like, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property where a zone boundary divides a lot or parcel of land, the location of such boundary which is not indicated by dimension or legal description shall be determined by the Planning Director.
- C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street, or alley shall have applied thereto the same zone as that of the property to which it reverts. Existing or functioning highway and road right-of-ways and areas used primarily for automobile and truck transportation shall be deemed to permit the continued use as such, as well as other uses supportive of the primary use.
- D. Railroad rights-of-way and areas used solely for the purpose of accommodating tracks, signals and other operative devices and the movement or rolling stock shall be deemed to be zoned to permit the continued use as such, as well as other uses supportive of the primary use.
- E. Easements or land areas used solely for electric power lines and poles, telephone lines and poles and gas transmission lines shall be deemed to be zoned to permit the continued use as such.
- F. Upon application, all contiguous lands under one ownership and used as of the effective date of the Code in conjunction with a higher use shall be zoned with the higher use. The application shall be reviewed by the Planning Commission as a zone correction per Section 48.004B of this Code.

SECTION 12.005 - FEES REQUIRED

Any application for a land use or development decision shall be accompanied by a fee when prescribed by this Code, the amount of which fee shall be adopted by resolution of the Board of Commissioners.

SECTION 12.006 - RULES OF INTERPRETATION

A. Effect of Provisions

1. Minimum Requirements - The regulations and standards set forth in this Code are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Code.
2. Effect Upon Private Agreements - It is not intended that these regulations are to interfere with or abrogate or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land that are imposed or required by other ordinances, rules, or regulations, these regulations shall control.

B. Language

1. Construction - When used in this Code, the words "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular.
2. Time of Day - Whenever a certain hour or time of day is specified in this Code, or any permit, condition of approval or notice issued or given as set forth in this Code, such hour shall be standard time or daylight savings time, whichever is in current use in the County.
3. Number of Days - Whenever a number of days is specified in this Code, or in any permit, condition of approval or notice issued or given as set forth in this Code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.
4. Rounding of Quantities - Whenever this Code requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development or the physical environment expressed in numerical quantities

which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5.

5. Gender - Whenever this Code refers to the male sex, e.g. "he," "him," or "his," it shall be interpreted to include the female form of the pronoun.
- C. Procedure of Interpretation - If questions arise from persons or bodies charged with administering this Code concerning the content or application of the text of the Land Development Code, it is the duty of the Klamath County Legal Counsel to ascertain all pertinent facts, and make a determination, within a reasonable time frame.

ARTICLE 14 - ENFORCEMENT

SECTION 14.001 - PURPOSE

This Article establishes procedures for enforcement of the provisions of this Code and other duly adopted ordinances under the jurisdiction of the Building department. The enforcement procedures set forth are intended to assure due process of law for violations of those codes.

SECTION 14.002 - ENFORCEMENT RESPONSIBILITY

The responsibility for the enforcement of the provisions of the Land Development Code and Building Department Ordinances are assigned as follows:

- A. County Sheriff - It is the duty of the County Sheriff and of all officers of the County otherwise charged by law to enforce this Code and all its provisions.
- B. Code Enforcement Officers - The Planning Director, Public Works Director, Building Official or their designee are to act as the Code Enforcement Officer, to enforce this Code and Building Department Ordinances, and all their provisions. The Code Enforcement Officer has the following responsibilities and powers in the enforcement of this title.
 - 1. To review with affected individuals the provisions of applicable County Ordinances through initiation of administrative hearings and other methods to support voluntary compliance with its provisions.
 - 2. To issue citations for violations of applicable ordinances.
 - 3. To initiate all necessary proceedings to forfeit bond or cash deposits.
 - 4. To initiate proceedings to revoke approvals granted under this Code or Building Department Ordinances.

SECTION 14.003 - CITATION

The Code Enforcement Officer may issue a citation to any person who violates any of the provisions of their applicable ordinances. Penalties for violation shall be in accordance with Section 14.012 of this Code.

SECTION 14.004 - REVOCATION OF APPROVAL AND FORFEITURE OF BONDS

The Code Enforcement Officer may initiate proceedings by citation to appear to revoke the approval of any permit or land use approval issued pursuant to this Code in any case where a use of

land has been established or conducted in a manner which violates or fails to observe the provisions of this Code or a condition of approval.

The Code Enforcement Officer may initiate procedures to forfeit all or a portion of a bond or cash deposit.

SECTION 14.005 - PROCEDURES

- A. Alleged violators shall be notified in writing at least two times within 30 days prior to a citation for an enforcement hearing by certified mail, postage prepaid, return receipt requested to owner of affected property, etc.
- B. The Code Enforcement Officer is to notify the violator by citation of intention to enforce or revoke at least ten (10) days prior to an Enforcement Hearing. Such citation is to contain the following:
 - 1. The heading reading, "Notice of Enforcement Hearing."
 - 2. A list of the provisions of this Code and/or conditions violated and the means to correct such violation (s), if any.
 - 3. The date, time and place of the enforcement hearing.
 - 4. The required penalties for non-compliance.
 - 5. A requirement that the individual appear and show cause why the provisions of the ordinance should not be enforced.
- C. The Code Enforcement Officer is to notify the person posting the bond or cash deposit of the intention to cause forfeiture of the bond or deposit at least twenty (20) days prior to a forfeiture hearing. Such notice is to contain the following:
 - 1. The heading reading, "Notice of Forfeiture Hearing."
 - 2. The reasons for seeking forfeiture and the remedial action required by the person posting the bond or deposit.
 - 3. The date, time, and place of the forfeiture hearing.
 - 4. The required penalties for non-compliance.

SECTION 14.006 - ENFORCEMENT HEARINGS

Hearings conducted for the purpose of Code Enforcement, revocation

of approval or the forfeiture of bonds are to be conducted as follows:

- A. Hearing Body - Hearings to be held before the Klamath County Hearing Officer.
- B. Conduct of Hearing - The Hearing Officer is to conduct an Enforcement Hearing as follows:
 - 1. The Hearing Officer is to hear sworn testimony and consider other evidence concerning the conditions constituting cause to enforce this Code, or Building Department Ordinances, revoke approval or forfeit bond.
 - 2. Respondents to enforcement actions may be present at such hearing, may be represented by a person of his choice and may present testimony.
 - 3. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
 - 4. The Hearings Officer shall deliberate upon the evidence and make findings to support any action which the Hearings Officer is empowered to take by this Ordinance, including, but not limited to enforcement of this Code and other applicable Ordinances by issuing cease and desist orders, revoking approvals or granting bond forfeitures. Thereafter, the Hearings Officer shall issue his order to the respondent.

SECTION 14.007 - SERVICE OF CITATION

Any notice required by the provisions of this chapter is to be given by the Code Enforcement Officer.

- A. A copy of the citation is to be either served personally or by mail, postage prepaid, certified mail, return receipt requested, to the owner of the affected premises as shown on the last equalized assessment role. If no address can be found or is known to the Code Enforcement Officer, then the citation is to be mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive the citation does not affect the validity of any proceedings taken hereunder.
- B. A copy of the notice is to be recorded in the office of the County Recorder of Klamath County.

SECTION 14.008 - RELEASE OF CITATION

Where a citation has been served pursuant to Section 14.003 and the Hearing Officer has determined that the owner of an affected

premises has corrected the condition which was the basis for initiation of enforcement action, the Code Enforcement Officer shall record a Release of the First Citation.

SECTION 14.009 - INTERFERENCE PROHIBITED

No person shall hinder, interfere with or impede the Code Enforcement Officer in the performance of duties assigned by the Code, or other codes and ordinances of the County.

SECTION 14.010 - APPEALS

An order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing, in accordance with procedures set forth in Chapter 3, Article 33 of this Code.

SECTION 14.011 - PROHIBITIONS

No person, firm, corporation or other entity shall locate, construct, maintain, repair, alter or use a building or other structure or use or transfer land in violation of this Code and other applicable ordinances, or an order of a Klamath County Hearing Officer pursuant to 14.006 of this Code.

SECTION 14.012 - PENALTIES

Any person, firm, corporation or other entity who has been found by a hearings officer to have violated any of the provisions of this Code and who does not comply with the order of the hearings officer shall be punished by a fine not exceeding one hundred dollars (\$100) for each day of violation where the violation is a continuing one but such fine may not exceed one thousand dollars (\$1,000) or a fine of five hundred dollars (\$500) where the violation is not a continuing one. District Court and Circuit Court shall have concurrent jurisdiction over prosecutions for violations of this Code.

SECTION 14.013 - CIVIL RELIEF

When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is or is proposed to be used in violation of this Code or applicable Building Department Ordinances, the County Commissioners, the District Attorney or any person whose interest in real property within the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, batement, or other appropriate proceedings to prevent temporarily or permanently enjoin, abate, or remove the unlawful location, maintenance, repair, alteration, or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under ORS 22.010, the person shall furnish undertakings as provided under ORS 32.010 to 32.060.

C H A P T E R 2
R E V I E W P R O C E D U R E S
ARTICLE 20 - BASIC PROVISIONS

SECTION 20.001 - PURPOSE OF REVIEW PROCEDURES

The purpose of this chapter is to establish uniform procedures for making decisions on matters pertaining to the use and development of lands within Klamath County. It is the intent of this chapter to provide Review Procedures ensuring that the amount of private and public resources devoted to reaching a particular decision is commensurate with its complexity and potential impact. These procedures are designed to encourage public familiarity with and understanding of how land decisions are reached. It is the long term purpose of these standardized procedures to increase the overall speed by which land use decisions are reached.

SECTION 20.002 - TYPES OF REVIEW PROCEDURES

All reviewing authorities A through E shall be governed by the Comprehensive Plan policies. In order to achieve the purposes set forth above, five types of review procedures are established:

- A. Planning Director Review Procedure - This procedure is provided for reaching objective, ministerial decisions requiring no discretionary judgment, but only the application of measurable standards to specific fact situations. The land use or development proposals reviewed under this procedure will have minimal or no effect on surrounding lands or persons.
- B. Hearing Officer Review Procedure - This procedure is provided for reaching objective, ministerial decisions requiring some discretionary judgment in the application of measurable standards to specific fact situations where the land use or development proposal will have some impact on adjacent lands and persons.
- C. Land Partitioning Review Board Procedure - This procedure provides for reaching decisions where discretion is required either to apply subjective, qualitative criteria or to weigh the merits of competing positions. The land use or development proposals review under this procedure will have limited effects on adjacent lands and persons.
- D. Planning Commission Review Procedure - This procedure provides for reaching complex decisions where discretion is required either to apply subjective, qualitative criteria or to weigh the merits of competing positions. The land use or development proposals reviewed under this procedure will have significant effects on a broad range of lands and persons.

- E. Board of Commissioners Review Procedure - This procedure provides for reaching complex decisions regarding county land use policy.

ARTICLE 22 - PLANNING DIRECTOR REVIEW PROCEDURE

SECTION 22.001 - PURPOSE

The purpose of the Planning Director Review Procedure is to provide for the ministerial review of certain land use and development decisions. It is the further purpose of this procedure to provide for the expeditious review of development subject to Planning Director review.

SECTION 22.002 - APPLICATION

The following development shall be subject to Planning Director or his designee review:

- A. Site plan approval.
- B. The establishment of a temporary use.
- C. Time extensions on a tentative (major/minor) land partition approval.
- D. Time extension on a preliminary subdivision plat approval.
- E. Application for a minor partition not in an agriculture zone.
- F. Administrative variance.

SECTION 22.003 - PUBLIC HEARING AND NOTICE

Planning Director review shall be conducted without a public hearing; however, B through F as listed above will be processed as follows: Public notice shall be mailed or otherwise delivered to property owners within 100 feet of the proposed land use, as well as to affected local, State, and Federal agencies. Written notice of Planning Director approval or denial shall be given to all parties to the proceeding, to include, all those parties to whom notice must be given under ORS 215.416(9). Section 32.002B is exempt.

SECTION 22.004 - REVIEW AND DECISION

- A. The Planning Director shall review the application and determine its compliance with applicable codes and ordinances. The Planning Director may, at his discretion or if requested, refer B through F under Section 22.002 to the appropriate reviewing body.

- B. A determination of noncompliance shall prohibit the applicant from undertaking the proposed development.

SECTION 22.005 - APPEAL

A determination of noncompliance may be appealed within ten (10) days of mailing of notification in accordance with procedures set forth in Chapter 3, Article 33 of this Code.

ARTICLE 24 - HEARING OFFICER REVIEW PROCEDURE

SECTION 24.001 - PURPOSE

The purpose of the Hearing Officer Review Procedure is to provide for the conduct of evidentiary hearings in a manner which will provide uniformity for all persons appearing in the above hearing and will provide a system for conducting hearings as expeditiously as possible, insuring impartiality and allowing parties an opportunity to be heard, to present and rebut evidence, to insure against ex-parte contacts and to create a record of hearing providing findings of fact and conclusions of law.

SECTION 24.002 - HEARING OFFICER AND DEPUTY: APPOINTMENT, QUALIFICATIONS AND DUTIES

- A. The Board of County Commissioners shall appoint the Hearing Officer to serve said office at the pleasure of the Board of County Commissioners. The Hearings Officer may appoint a Deputy and such other personnel as is authorized, subject to the confirmation of the Board of County Commissioners.
- B. The Hearings Officer and the Deputy Hearings Officer shall be appointed solely with regard to their qualifications for the duties of their office and shall have such training and experience as will qualify them to conduct hearings on land use applications and to discharge any other functions conferred upon them.
- C. The Hearings Officer shall act on behalf of the Board of County Commissioners in hearing and deciding Zone Changes, Conditional Use Permits, and Variances. The Hearings Officer shall receive and examine available information, conduct public hearings and prepare a record thereof as necessary to approve, modify, or deny applications. The Deputy Hearings Officer shall assist the Hearings Officer in the performance of the duties conferred upon him and shall, in the event of the absence or the inability of the Hearings Officer to act, have all the duties and powers of the Hearings Officer.
- D. The Hearings Officer and Deputy shall review enforcement citations per Chapter 1, Article 14, and all of its sections.

SECTION 24.003 - RULES AND REGULATIONS

- A. The Hearings Officer shall follow the Klamath County Internal Rules and Procedures for the conduct of hearings before him. Such rules and procedures shall be in writing and copies made available upon request to all applicants and interested parties at any hearings to be conducted.

B. Rules and regulations shall be in conformance with the other provisions of this Article and shall additionally guarantee parties an opportunity to be heard, to present and rebut evidence, to have a record made and findings of fact made on which the decision is based.

C. The Hearings Officer may continue any item when in his discretion additional time or information are needed.

SECTION 24.004 - APPLICATION

A. Change of zone designation.

B. Conditional Use Permits.

C. Variances.

SECTION 24.005 - PUBLIC HEARING AND NOTICE

The Planning Director shall set a date for a noticed public hearing for Hearings Officer Review as provided by Chapter 3, Article 32 of this Code.

SECTION 24.006 - REVIEW AND DECISION

Public hearings conducted by the Hearings Officer shall be called to order at the time and date specified in the public notice. The Hearings Officer shall open the hearing, proceed to take testimony, and upon good cause shown by either party, continue the hearing from time to time to a date certain without further notice. The Hearings Officer, at his discretion, may render a decision upon conclusion of the hearing, with a final written order to follow within 30 days, or shall take the application under advisement and render a decision and issue a written order within 30 days of the conclusion of the final hearing. The decision of the Hearings Officer shall be to approve, conditionally approve, or disapprove the requested application and shall incorporate findings of fact in support of such decision. The order shall be filed with the County Clerk's office and a copy thereof mailed to the applicant within 30 days of the conclusion of the final hearing.

SECTION 24.007 - APPEAL

An order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with procedures set forth in Chapter 3, Article 33 of this Code.

ARTICLE 25 - LAND PARTITIONING REVIEW BOARD PROCEDURE

SECTION 25.001 - PURPOSE

The purpose of the Land Partitioning Review Board Procedure is to ensure that land use and development proposals which will have limited effects on surrounding persons and lands are in compliance with this Code and all other applicable codes and ordinances.

SECTION 25.002 - LAND PARTITIONING REVIEW BOARD

The Land Partitioning Review Board shall be a board composed of the County Engineer, Chairman of the Planning Commission, and the County Planning Director, or their authorized representatives.

SECTION 25.003 - APPLICATION

- A. Minor partitions, when referred by Planning Director
- B. Major Partitions

SECTION 25.004 - PUBLIC HEARING AND NOTICE

The Planning Director shall set a date for a noticed public hearing on an application for a land partition in accordance with Chapter 3, Article 32 of this Code.

SECTION 25.005 - REVIEW AND DECISION

The Review Board shall be convened by the Chairman of the Review Board, who shall be the Planning Director, or authorized representative. The Review Board shall conduct a public hearing to review the tentative plan and recommendations of the agencies. At the hearing, the Review Board shall take testimony from all interested persons. All hearings shall be governed by the Klamath County Internal Rules and Procedures. The Review Board may continue the hearing on the tentative plan where it reasonably appears that additional time in which to make recommended changes to the tentative plan. At the close of the hearing or within fifteen (15) days, the Review Board shall give approval to the tentative plan as submitted or as may be modified or if the tentative plan is disapproved, shall express its disapproval in writing and the reasons therefore. The decision of the Review Board shall be prepared in the form of the final board motion section of the official hearing minutes and mailed to the applicant.

SECTION 25.006 - APPEAL

A decision of the Land Partitioning Review Board shall be final unless, within ten (10) days of its mailing it is appealed by the applicant or party with standing in accordance with procedures set forth in Chapter 3, Article 33 of this Code.

ARTICLE 26 - PLANNING COMMISSION REVIEW PROCEDURE

SECTION 26.001 - PURPOSE

The purpose of this Planning Commission Review Procedure is to ensure that land use and development proposals which will have significant effects on a broad range of lands and persons are in compliance with this Code and all other applicable codes and ordinances.

SECTION 26.002 - APPLICATION

The following shall be subject to Planning Commission Review:

- A. Amendment of the Comprehensive Plan Document - Legislative
- B. Amendment of the Land Development Code - Legislative
- C. Amendment of the Comprehensive Plan (Quasi-Judicial), Change of zone designation, Conditional Use Permit, Variance, or any other application when in conjunction with the comprehensive plan amendment.
- D. Subdivision of Land
- E. Planned Unit Development (when zoned PUD)
- F. Conditional Use Permits and Variances when in conjunction with subdivisions and PUD's
- G. Partitions of land in the agricultural zones
- H. Non-farm Conditional Use Permits when in conjunction with agricultural partitions
- I. Variances when in conjunction with agricultural partitions

SECTION 26.003 - PUBLIC HEARING AND NOTICE

The Planning Director shall set a date for a noticed public hearing for Planning Commission Review as provided by Chapter 3, Article 32 of this Code.

SECTION 26.004 - REVIEW AND DECISION

The Planning Commission will conduct a public hearing to review the land use application or policy decision before it. At the hearing, the Planning Commission shall take testimony from all interested persons. All hearings shall be governed by the Klamath County Planning Commission Internal Rules of Procedure. The Planning Commission may approve, conditionally approve, or disapprove matters before it, as set forth in Chapter 4 of this Code. The Planning

Commission may continue the hearing where it reasonably appears that additional testimony needs to be taken or the applicant is granted additional time in which to make recommended changes in his application. At the close of the hearing, the Planning Commission shall make its decision including the supportive findings of fact and conclusions of law. The decision of the Planning Commission shall, in the case of a proposed subdivision, be prepared in the form of the final Planning Commission motion from the official hearing minutes.

SECTION 26.005 - APPEAL

A decision of the Planning Commission shall be final unless appealed within ten (10) days of its mailing, by the applicant or a party having standing in accordance with procedures set forth in Chapter 3, Article 33 of this Code.

ARTICLE 28 - BOARD OF COMMISSIONERS REVIEW PROCEDURE

SECTION 28.001 - PURPOSE

The purpose of the Board of Commissioners Review Procedure is to establish a process for reaching major public policy decisions concerning the use and development of lands within Klamath County. This procedure recognizes that certain decisions may be administrative in nature, while other decisions may be legislative.

SECTION 28.002 - APPLICATION

The following shall be subject to Board of Commissioners Review:

- A. Amendment of the Comprehensive Plan Document - Legislative
- B. Amendment of the Land Development Code - Legislative
- C. Amendments to the Comprehensive Plan (Quasi-Judicial), Change of zone designation, Conditional Use Permit, Variance, or any other application when in conjunction with the comprehensive plan amendment.

SECTION 28.003 - PUBLIC HEARING AND NOTICE

The Planning Director shall set a date for a noticed public hearing for Board of Commissioners Review as provided by Chapter 3, Article 32 of this Code.

SECTION 28.004 - REVIEW AND DECISION

The Board of Commissioners shall conduct public hearings to review the land use application or proposed policy before it. At the hearing, the Board shall be governed by the Board of County Commissioners Internal Rules of Procedure. The Board may approve the application or proposed policy as initially submitted, or it may disapprove the application or policy stating its reasons therefore. The Board may continue its hearing where it reasonably appears that additional testimony needs to be taken. The Board shall make its decision at the time of the public hearing, but in the event more time is needed, the Board shall have a maximum of thirty (30) days to hold an additional public hearing for such decision.

SECTION 28.005 - APPEAL

Appeal from a decision of the Board of Commissioners shall be as provided in Chapter 3, Article 33 of this Code.

C H A P T E R 3
H E A R I N G S A N D A P P E A L O F D E C I S I O N S
A R T I C L E 30 - B A S I C P R O V I S I O N S

SECTION 30.001 - PURPOSE

The purpose of this chapter is to prescribe procedures for public hearings, and notice of same, required by Chapter 4 - Land Use and Development Application Procedures and to establish procedures for the appeal of decisions reached as a result of the review procedures described in Chapter 2 - Review Procedures.

ARTICLE 31 - PUBLIC HEARINGS

SECTION 31.001 - RESPONSIBILITY OF PLANNING DIRECTOR

The Planning Director shall perform the following duties pertaining to a hearing, all in accordance with other provisions of this Code.

- A. Upon receipt of an application for a Land Use and Development or policy decision requiring a public hearing, the Planning Director shall schedule a date for a public hearing. All such applications must be received by the Planning Director not less than twenty (20) working days prior to the regular monthly hearing or special hearing at which consideration is requested. The Planning Director may schedule special hearings as warranted by the agenda loads of regular hearings.
- B. Conduct the correspondence of the hearing body.
- C. Give notice in accordance with Article 32 of this chapter.
- D. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearing body.
- E. Prepare minutes to include the decision on the matter heard and the reasons for the decision.
- F. Reduce the decisions of the hearings body to writing within a reasonable time.
- G. Mail a copy of the decision to all parties to a hearing or review.

SECTION 31.002 - CHALLENGES TO IMPARTIALITY

Except for hearings by the Board of Commissioners concerning either a Code amendment or a Plan revision which involves a substantial area and number of property owners, or an issue of broad public policy, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. A challenge shall be delivered by personal service to the Planning Director not less than forty-eight (48) hours preceding the time set for public hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing.

SECTION 31.003 - DISQUALIFICATION

Except for hearings by the Board of Commissioners concerning either a Code amendment or a Plan revision which involves a substantial area and number of property owners, or an issue of broad public policy, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

- A. Any of the following have a direct or substantial financial interest in the proposal - the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- B. The member owns property within the area entitled to receive notice of the public hearing.
- C. The member has a direct private interest in the proposal.
- D. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

SECTION 31.004 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

No officer or employee of Klamath County who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

SECTION 31.005 - EX PARTE CONTACTS

Except for hearings by the Board of Commissioners concerning either a Code amendment or a Plan review which involves a substantial area and number of property owners, or an issue of broad public policy, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with Section 31.006.

SECTION 31.006 - ABSTENTION OR DISQUALIFICATION

Except for hearings by the Board of Commissioners concerning either a Code amendment or a Plan revision which involves a substantial area and number of property owners, or an issue of broad public policy, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion

SECTION 31.007 - RIGHTS OF DISQUALIFIED MEMBER OF THE HEARING BODY

- A. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.
- B. If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.
- C. Except for hearings by the Board of Commissioners concerning either a change of zone or comprehensive plan designation which involves a substantial area and number of property owners, or an issue of broad public policy, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

SECTION 31.008 - BURDEN AND NATURE OF PROOF

Except for hearings by the Board of Commissioners concerning either a change of zone or comprehensive plan designation revision which involves a substantial area and number of property owners, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the comprehensive plan and to applicable provisions of this ordinance, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

- A. Mistake in the original designation or provision.
- B. Change of conditions within the vicinity in which the development is proposed.

SECTION 31.009 - ORDER OF PROCEEDINGS

An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

- A. Before receiving information on the issue, the following shall be determined:
 - 1. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
 - 2. Any abstentions or disqualifications shall be determined.
- B. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:
 - 1. Provisions of the charter or state law or of an ordinance, resolution, rule, or officially promulgated policy of Klamath County.
 - 2. Other public records and facts judicially noticeable by ORS 41.410.
- C. Matter officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, however, that the hearing body may take notice of matters listed in Subsection B of this section if stated for the record. Any matter given official notice may be rebutted.
- D. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view in the record.
- E. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
- F. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

- G. All evidence, testimony, deliberations, and decisions shall be made before the public, recorded, and make a part of the record.

SECTION 31.010 - DECISION

Following the hearing procedure described in Section 31.008, the hearing body shall approve or deny the application of if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal. A decision on an application or appeal shall be made within thirty (30) days of the final hearing on the matter except that with the agreement of the hearing body and an applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter.

SECTION 31.011 - FINDINGS AND ORDER

Within thirty (30) days from the date a decision on an application is reached by the hearing body, the Planning Director or County Counsel shall prepare findings of fact and an order which shall include:

- A. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.
- B. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- C. The reasons for a conclusion to approve or deny.
- D. The decision to deny or approve the proposed change with or without conditions.
- E. The final order shall be filed with the Board of County Commissioners, Clerk's Office, Planning Department, and a copy mailed to the applicant at the address indicated on the application and to other parties to the hearing requesting a copy.

SECTION 31.012 - RECORD OF PROCEEDINGS

The secretary to the hearing body or his authorized representative shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

- A. Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.

- B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
- C. The findings and order shall be included in the record.
- D. A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

ARTICLE 32 - NOTICE OF HEARINGS

SECTION 32.001 - PURPOSE OF NOTICE REQUIREMENTS

Notice of hearing or Planning Director review shall be reasonably calculated to give actual notice. The notice requirements for the various types of land use and development decisions are set forth in the Notice Schedule which is listed separately on the following page. This Schedule is a part of the Land Development Code and all references to this section shall include the Notice Schedule. In addition to the notice required by the Notice Schedule, the Planning Director shall provide additional notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the matter before the review authority.

SECTION 32.002 - TYPES OF NOTICE

The types of notice provided by this Code and the specific requirements of each are listed below.

- A. Published Notice - Notice published in a newspaper of general circulation in Klamath County on two (2) consecutive days not less than ten (10) days prior to the date set for the hearing.
- B. Mailed Notice - Notice mailed by first class mail not less than fifteen (15) days prior to the date set for hearing or review to all owners of properties which are the subject of the application and to owners of properties located within 100 feet for minor partitions or within 250 feet, including rights-of-way and bodies of water of subject properties for other land use actions. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this Code for notice.
- C. Ownership List - The applicant shall file with such applications a list of names, addresses, and tax lot numbers of all owners of property situated within 250 feet of the external boundaries of the property affected by the application. Such names, addresses, and tax lot numbers shall be those listed on the last preceding tax role of the Assessor of Klamath County. The applicant shall also file with the application an affidavit attesting to the validity of said ownership list.
- D. Posted Notice - Notice of hearings posted at designated locations in the Federal Post Office in Klamath Falls, Oregon, the Klamath Falls City Hall, the Klamath Falls County Courthouse, the Klamath County Courthouse Annex, and at other locations as determined by the Planning Director.

- E. Hearing Date - Upon receipt of a valid application, the Planning Director shall within ten (10) days from the date of receipt thereof, set a date for a public hearing or review which date shall be not less than twenty (20) nor more than ninety (90) days after filing of the application, or if no regular meeting is scheduled within the prescribed time limit, the date shall be set for the next regular meeting of the hearing or reviewing body.
- F. In the course of normal business, if the review authority cannot hold a hearing within the prescribed 20-90 days, it may hold a special hearing.

SECTION 32.003 - CONTENT OF NOTICE

Notice shall contain the following information:

- A. The date, time, and place of the hearing.
- B. A description reasonably calculated to inform a person of the location of the property for which a development permit or other action is pending, including but not limited to use of a map or postal address and a subdivision lot and block designation, a metes and bounds description or the tax map designation of the County Assessor.
- C. The nature of the issue up for hearing.
- D. The interested parties that have standing to appear and be heard.
- E. The sections of the ordinance that are pertinent to the hearing procedure.
- F. The location where information may be examined and when and how written comments addressing findings required for a decision by the hearing body may be submitted.

SECTION 32.004 - COST OF NOTICE

The cost of notice required by this Code shall be included in the application fees.

NOTICE SCHEDULE (PART OF SECTION 32.001)

<u>Type of Application</u>	<u>Notice Requirements</u>
Variance	Published Mailed Posted
Conditional Use Permit	Published Mailed Posted
Minor Partition	Published Mailed Posted
Major Partition	Published Mailed Posted
Subdivision	Published Mailed Posted
Change of Zone Designation	Published Mailed* Posted
Change of Comprehensive Plan Designation	Published Mailed* Posted
Amendment of Land Development Code	Published Posted
Amendment of Comprehensive Plan Document	Published Posted

*Optional when legislative hearing

ARTICLE 33 - APPEAL OF DECISIONS

SECTION 33.001 - PURPOSE

The purpose of this article is to establish uniform procedures for the appeal of land use and development and policy decisions provided in Chapter 4 of this Code.

SECTION 33.002 - APPEAL AUTHORITY

- A. Decisions reached by the following review authorities pursuant to Chapter 4 shall be subject to appeal to the Board of Commissioners:
 - 1. Planning Director
 - 2. Land Partition Review Board
 - 3. Hearings Officer
 - 4. Planning Commission
- B. Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant and that the condition causing the difficulty was not created by the applicant.

SECTION 33.003 - STANDING TO APPEAL

To have standing to appeal, persons must have participated either orally or in writing at the public hearing and must at the time of the land use action, live, own, lease, or have contractual interest in property within 250 feet of the property involved in the land use action, or must have shown that their interests are adversely affected or that they were aggrieved by the final decision.

SECTION 33.004 - INITIATION OF APPEAL

A decision of a review authority pursuant to Chapter 4 shall be appealed by a party with standing within the time limits prescribed in Chapter 2 of this Code. The filing of a Notice of Appeal shall be accompanied by the fee prescribed by resolution of the Board of Commissioners. The Notice of Appeal shall contain the following:

- A. A concise description of the land use decision sought to be reviewed, including the date of the decision.
- B. A statement of the interest of the appellant seeking review and, that the appellant was a party to the initial proceedings.
- C. The grounds relied upon for review.

SECTION 33.005 - SCOPE OF REVIEW ON APPEAL

The scope of review on appeal shall be de novo in the case of Comprehensive Land Use Plan and Zone Changes being appealed to the Board of County Commissioners. All other appeals shall be limited to the record made on the decision being appealed.

SECTION 33.006 - REVIEW OF THE RECORD

- A. For those appeals where review is confined to the record, the record shall include:
 - 1. Staff report prepared by the Planning Department.
 - 2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - 3. The transcript of the hearing.
- B. The appeal authority shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a notice of appeal.

SECTION 33.007 - NOTICE OF APPEAL HEARING

Notice of the hearing held by an appeal authority shall be of the same type as that required for the original hearing. Notice shall be mailed to the appellant, to all persons originally notified, and to parties to the hearing who may not have been on the original notification list.

SECTION 33.008 - APPEAL AUTHORITY DECISION

- A. Upon review, the appeal authority may by order remand, affirm, reverse or modify a determination or requirement of the decision that is under review. When the appeal authority renders a decision that reverses or modifies a decision of the hearing body, the appeal authority, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the appeal authority elects to remand the matter to the hearing body for further consideration, it shall included a statement explaining the errors or omissions found to have materially affected the outcome of the original decision and the action necessary to rectify such.

- B. Action by the appeal authority shall be decided by a majority vote in accordance with the authority's adopted rules of procedure. The appeal authority shall render its decision no later than thirty (30) days from the date at which review was made. Findings of fact and an order shall be prepared in accordance with Section 31.011.

C H A P T E R 4
L A N D U S E A N D D E V E L O P M E N T
A P P L I C A T I O N P R O C E D U R E S
ARTICLE 40 - BASIC PROVISIONS

SECTION 40.001 - PURPOSE

The purpose of this chapter is to specify the various land use and development procedures provided by this Code, to describe the intent of each, and to establish the applicable procedures, including review procedures, and criteria.

SECTION 40.002 - TYPES OF APPLICATIONS

The land use and development applications provided by this Code are as follows:

- A. Site Plan Approval - Article 41
- B. Temporary Use Permit - Article 42
- C. Variance - Article 43
- D. Conditional Use Permit - Article 44
- E. Minor and Major Partitions - Article 45
- F. Subdivision of Land - Article 46
- G. Change of Zone Designation - Article 47
- H. Change of Comprehensive Plan Designation - Article 48
- I. Amendment of the Land Development Code - Article 49
- J. Amendment of the Comprehensive Plan Document - Article 49A

ARTICLE 41 - SITE PLAN APPROVAL

SECTION 41.001 - PURPOSE

The purpose of Site Plan Approval is to ensure compliance with this Code and other applicable codes and ordinances by the establishment of any use or development which is permitted by the land use zone. Site Plan Approval is required of the following: The construction, relocation, addition, extension and other site improvements.

SECTION 41.002 - REVIEW PROCEDURE

Application for Site Plan Approval shall be subject to the Planning Director Review Procedure.

SECTION 41.003 - REVIEW CRITERIA

A site plan shall be approved if the reviewing authority shall find that it satisfies all applicable requirements of this Code and other applicable codes and ordinances.

SECTION 41.004 - PROCESSING

In the processing of Site Plan Approval, the following procedures shall be followed:

- A. Initiation - Application for Site Plan Approval shall be initiated by the owner of the property for which Site Plan Approval is sought or by the representative of the owner.
- B. Filing - Application for Site Plan Approval shall be filed on forms provided by the Planning Department, shall set forth in detail all the information requested, and shall be accompanied by a filing fee.
- C. Filing Fee - There shall be a filing fee set by the Board of Commissioners, by resolution, to defray the costs incidental to the review process.
- D. Review by the Planning Department - The Planning Department shall have five (5) working days in order to determine if an application is complete.

SECTION 41.005 - PLOT PLAN REQUIREMENTS

Plot plans shall be drawn as outlined on "Sample Plot Plan for Planning and Health Department," dated December, 1985, and as modified from time to time.

4. Location, exterior boundaries, and dimensions of property involved; scale and north arrow.
5. Location, name, width, and pavement type of adjacent street(s) or alleys; and proposed curbs, gutter and sidewalk improvements, if any.
6. Location, dimensions (including height), and use or occupancy of all existing and proposed structures on the property, including accessory structures, and including any decks, balconies, and other structural elements that protrude into yard areas.
7. Corner elevations of primary structures and direction of surface water flows onto, through, and off the property including the location of channels, creeks, swales and other existing or proposed drainage carriers or facilities affecting the proposed plot plan involved.
8. Location, type, and dimensions of proposed on-site sewage disposal and water supply, if any.
9. Location and dimensions of existing or proposed driveways and enclosed or open parking areas, including type of surface materials.
10. Location and descriptions of any additional major topographic or man-made features on the site, such as rock outcrops, graded areas, etc.
11. Landscaping may be required for all industrial use types, commercial use types, civic use types, multi-family or high density residential use types with 10 or more dwelling units, mobile home use types, parking areas and planned unit development use types within any Urban Growth Boundary or Rural Community Boundary in accordance with Article 65 (Landscaping) of this Code.
12. Parking areas as required by Article 68 (parking and loading).
13. Vehicular access and circulation as required by Article 71.
14. Signature of applicant, printed name, address and telephone number.
15. Location and dimensions of power line easements crossing the property.

(VARIANCE, C.U.P., ZONE CHANGE, ETC.)

L.4. D0773
Rt. 12, Box 15
K. Falls, Or. 97601
888-1111

MEDIUM DENSITY RESIDENTIAL

REQUEST : SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE

VACANT

RESIDENTIAL

CITY WATER SYSTEM

City Sewer System

NOT APPLICABLE

4: NOT APPLICABLE

∴ NOT APPLICABLE



ARTICLE 42 - TEMPORARY USE PERMIT

SECTION 42.001 - PURPOSE

The purpose of the Temporary Use Permit is to allow the establishment of specified uses on a short-term basis in certain, specified land use zones.

SECTION 42.002 - REVIEW PROCEDURE

Application for a Temporary Use Permit shall be subject to the Planning Director Review Procedure.

SECTION 42.003 - REVIEW CRITERIA

A Temporary Use Permit shall be granted if the reviewing authority finds that it satisfies all applicable requirements of this Code.

SECTION 42.004 - PROCESSING

In the processing of Temporary Use Permits, the following procedures shall be followed:

- A. Initiation - Application for a Temporary Use Permit shall be initiated by the owner of the property proposed as the site of the temporary use or by the agent of the owner. The authorization of said agent shall be in writing and filed with the application.
- B. Filing - Application for a Temporary Use Permit shall be filed on forms provided by the Planning Department, shall set forth in detail all of the information requested, and shall be accompanied by a Plot Plan.
- C. Filing Fee - Application for a Temporary Use Permit shall be accompanied by a filing fee set by the Board of County Commissioners, by resolution, to defray the costs incidental to the proceedings.
- D. Review by Appropriate Authority - The review authority, as provided by Chapter 2 of this Code, shall review the application and render a decision as provided by the review procedure.
- E. Attachment of Conditions - The review authority may approve the Temporary Use Permit subject to such reasonable conditions as are necessary to ensure compliance with the applicable standards of this Code.
- F. Appeal of Decision - The decision of the review authority shall be final unless an appeal in writing is filed as provided by Chapter 3, Article 33, within ten (10) days the date of mailing the notification of decision.

- G. In the event the Planning Director finds that the application for a permit contains false information or that the use violates the conditions of the permit or any provisions of this Code, the permit may be immediately revoked at the discretion of the Planning Director.

SECTION 42.005 - IDENTIFICATION OF PERMITTED TEMPORARY USES

The following temporary uses shall be permitted as specified by this Code:

- A. Real Estate Office Within a Subdivision - A temporary real estate office and other permitted uses for the first sale of dwellings and lots within a recorded subdivision.
- B. Existing Building - The temporary use of an existing, lawfully established building during construction of a new building on the same building site.
- C. Mobile Home During Construction of Dwelling - The temporary use of a mobile home during the construction of a permanent dwelling on the same site.
- D. Mobile Home as Accessory Use - The temporary use of a mobile home as a caretaker's or manager's residence or residential use for a relative needing special care.
- E. Religious and Entertainment Assembly - The temporary gathering of people for religious purposes or for circus, carnival, or similar purposes.
- F. Transient Merchant Operation - The temporary use of a lot or building by a person, corporation or other entity who offers goods or services for sale in or on the lot or building.

SECTION 42.006 - LOCATION OF TEMPORARY USES

The temporary uses identified in Section 42.005 shall be permitted only as provided by the Matrix of Temporary Land Uses. The Matrix of Temporary Land Use is a part of the Land Development Code and all references to this Code include it.

SECTION 42.007 - PLOT PLAN REQUIREMENTS

Plot plans shall be submitted in accordance with Article 41, Section 41.005 of this Code.

SECTION 42.008 - STANDARDS FOR TEMPORARY USES

- A. Real Estate Offices Within a Subdivision
 - 1. Application for Permit - Application for a temporary real estate office may be filed and signed by the property owner of record, or by the subdivider of the units to be sold when accompanied by the written approval of the property owner.

2. Determination by Director - If the Planning Director finds that a proposed real estate office will be or may be incompatible with adjacent or nearby uses, he shall not approve the application.
3. Permitted Structures and Facilities - The following structures and facilities are permitted in conjunction with the establishment of a temporary real estate office in conformance with an approved Temporary Use Permit.
 - a. Model homes in compliance with the standards applicable to the properties that are being sold.
 - b. Garages, attached and detached, in compliance with the standards applicable to the properties that are being sold.
 - c. Temporary sales office buildings.
 - d. Accessory buildings and structures in compliance with the standards applicable to the properties that are being sold.
 - e. Recreational facilities that will be a permanent portion of the subdivision or partition in compliance with the standards applicable to the properties that are being sold.
 - f. Permanent streets and driveways that will be a part of the subdivision or partition after the abandonment of the real estate office use.
 - g. Temporary children's playgrounds.
 - h. Temporary and permanent fencing, walks, and structural amenities.
 - i. Temporary vehicle parking and maneuvering areas to provide off-street parking as necessary for employees and guests.
 - j. Temporary vehicular accessways.
4. Requirements of Approval - Any approving action shall include those conditions and requirements deemed to be necessary or advisable to protect the public safety and the general welfare and adequate guarantees that the structures and facilities will be removed or made consistent with applicable standards prescribed in this Code within ninety (90) days after the expiration of the permit. In addition to those findings required for a temporary real estate office shall also include the following findings:

- a. The access, parking and circulation facilities will not result in excess traffic congestion or traffic safety hazards.
 - b. The operation of the real estate office and associated activities will not conflict with adjacent and nearby residential uses.
5. Time Limitation - A Temporary Use Permit application for a temporary real estate office may be approved for a maximum time period of two (2) years. An extension of time may be approved for a maximum time period of one (1) additional year. The application for an extension of time may be approved, conditionally approved or disapproved. Any action to approve an extension of time shall comply with the requirements for approval as provided by Subsection 4, above.

B. Existing Buildings

1. Conformity with Standards - Prior to occupancy of a new building, the existing building will be brought into conformity with any additional site development or design standards rendered applicable by the placement of any new building on the site. Conformity will be accomplished by removal, reconstruction, relocation, conversion, change of use, or any combination thereof.
2. Guarantee of Completion - The Building Department shall require the landowner to provide a guarantee, which may include a bond, to insure full compliance with the requirements of the Land Development Code, upon completion of the new building or sooner if, in the Building Department's opinion, work pertaining to the completion of all facilities required by law is not being diligently pursued.

C. Mobile Home During Construction of Dwelling

1. Water Distribution System - A water distribution system shall be installed to serve each mobile home in compliance with applicable laws and regulations administered by the County Health Services and Building Departments.
2. Sewage Disposal System - A sewage disposal system shall be installed to serve each mobile home in compliance with applicable laws and regulations administered by the County Health Services and Building Departments.
3. Relationship to Permanent Dwelling - A mobile home shall be located on the same building site and concurrent with the construction of a permanent dwelling.

4. Time Limitation - A mobile home shall be permitted for a period of time not to exceed one (1) year, or until approval of the final inspection for a building permit, whichever occurs first. Before approval of final inspection, the Planning Director, for good cause, may extend the time limit up to a maximum of one (1) additional year.

D. Mobile Home as Accessory Use

1. Use of Mobile Home - The mobile home shall be used only as caretaker's or manager's residence or residential use for a relative needing special care to the principal use on the same building site.
2. Water Distribution System - A water distribution system shall be installed to serve each mobile home in compliance with applicable laws and regulations administered by the County Health Services and Building Departments.
3. Sewage Disposal System - A sewage disposal system shall be installed to serve each mobile home in compliance with applicable laws and regulations administered by the County Health Services and Building Departments.
4. Time Limitation - A mobile home permitted by the provisions of this section shall be permitted for a maximum of two (2) years after approval of final inspection for a building permit for such use unless a shorter period of time is specified by the permit.

E. Religious and Entertainment Assembly

1. Time Limitation - The temporary use may be permitted for a period not to exceed thirty (30) days.
2. Special Conditions for the Use of Tents - All permits, including the use of tents, shall be issued subject to conformance with the following conditions. Violation of any of these conditions shall be grounds for the revocation of any permit, as provided in Paragraph 3, of Subsection C of this section.
 - a. No goods, wares or merchandise shall be stored or held for sale in any tent, except in one occupied for the purpose of conducting or holding a carnival, circus, wild west show, rodeo or other similar show or exhibition. Nor shall the provisions of this section apply to cases where the sale or storage of such goods, wares, or merchandise is merely incidental to the chief purpose for which such tent is erected or used.

- c. Exit requirement as required by the County Building Department shall be provided and maintained in accordance with laws enforced by Klamath County.
 - d. All electric wiring must conform to the Uniform Building Code and must be approved by the County Building Director.
 - e. All lighting will be approved by the Building Department.
3. Application for Permit - Applications for the issuance of a permit involving the use of a tent shall be submitted as provided below:
- a. In addition to any other information that the Planning Director or Building Department may require, such application shall state the approximate dimensions of the proposed tent, the location at which it is proposed to be erected, its distance from the nearest structure and the purpose for which it is to be used. Such application shall be signed both by the applicant and the owner of the property upon which it is proposed to erect such tent, or their duly authorized representatives. All applicable County ordinances shall be complied with.
 - b. The Planning and Building Departments shall make such investigations as may be required to determine whether the proposed tent will create an unreasonable hazard to life or property and whether the erection or maintenance thereof will injuriously affect adjacent or nearby property or the residents of the neighborhoods. The Planning and Building Departments shall, each by appropriate endorsement upon such application and in accordance with their determination, approve or disapprove such application.
 - c. The Planning Director may revoke any permit involving the erection and maintenance of a tent within the County at any time prior to its expiration for the violation of any condition upon which the permit is issued or when, in his opinion, the health, welfare, safety and morals of the residents of the County or any portion thereof are adversely affected by the continued presence of such tent. Upon the revocation of any such permit, the person to whom the permit was granted shall, within the times specified by the Planning Director, remove such tent.

- F. Applicant must provide and complete required information for application to be processed.
1. Transient Merchant Operations - If one or both of the following are found to exist, the request for a temporary use permit may be denied.
 - a. The transient merchant has been the subject of an unreasonable number of consumer complaints;
 - b. The proposed business operation presents a danger to the public health, safety, or general welfare of the community.
 2. No fee will be charged for non-profit organizations or groups sponsored by a non-profit organization.
 3. The time limit for a transient merchant operation will be limited to 45 days. Permits will not be renewed. As many as three permits can be issued in one year. No more than one permit will be issued within 60 calendar days.
 4. All approvals will be issued as a ministerial act of the County Planning Director with written signoff by Public Works, Health Department, State Highway Department, Building Department, and Fire Department, if applicable.
 5. Transient merchant operations are to be regulated only inside the Klamath Falls Urban Growth Boundary.

MATRIX OF TEMPORARY LAND USES
(Part of Section 42.005)

LEGEND:

° Permitted Upon Approval of
Temporary Use Permit

- Not Permitted

LAND USE ZONES

RESIDENTIAL						
RCR Rural Community Residential	o	o	o	o	o	-
R-5 Rural	o	o	o	o	o	-
R-1 Rural	o	o	o	o	o	-
RS Suburban Residential	o	o	-	o	o	-
RL Low-Density Residential	o	o	-	o	o	-
RM Medium-Density Residential	o	o	-	-	o	-
RH High-Density Residential	o	o	-	-	o	-
COMMERCIAL						
CN Neighborhood Commercial	-	o	-	-	o	o
CC Community Commercial	-	o	-	-	o	o
CG General Commercial	-	o	-	-	o	o
CR Recreation Commercial	-	o	-	-	o	o
CT Transportation Commercial	-	o	-	-	o	o
CH Highway-Related Commercial	-	o	-	-	o	o
INDUSTRIAL						
IL Light Industrial	-	o	-	o	o	o
IH Heavy Industrial	-	o	-	o	o	o
OTHER						
EFU Exclusive Farm Use	-	o	o	o	-	-
F Forestry	-	o	o	o	-	-
FR Forestry/Range	-	o	o	o	-	-
NR Non-Resource	-	o	o	o	o	-
GR Geothermal Resource	-	o	-	o	o	-
PUD Planned Unit Development	o	o	o	o	o	o

*Applicable to lands within Klamath Falls Urban Growth Boundary

ARTICLE 43 - VARIANCES

SECTION 43.001 - PURPOSE

The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of Klamath County or the owners of property within the County, except that no Variance shall be granted for a parcel of property which either authorizes a use or activity not permitted by the land use zone regulations governing the parcel of property.

In the EFU-C, EFU-CG, EFU-G, F, and FR zones and the Significant Resource Overlay zone, variances are available only from the applicable zone's property development standards relating to building setbacks and yards, building heights, distance between buildings, fences, hedges and walls, signs, access, parking and landscaping.

SECTION 43.002 - REVIEW PROCEDURE

- A. Application for Variance related to the design and improvement standards for an accompanying subdivision or Planned Unit Development application shall be subject to the Planning Commission Review Procedure.
- B. Applications for Variances related to the design and improvement standards for a Major Partition shall be subject to the Land Partitioning Review Board Procedure.
- C. Applications for Variances when in conjunction with a change of Comprehensive Land Use Plan designation shall be subject to the Board of Commissioner Review Procedure.
- D. Applications for Variances related to all other standards and criteria imposed by this Code shall be subject to the Hearings Officer Review Procedure.

SECTION 43.003 - REVIEW CRITERIA

A Variance shall be granted only upon finding by the review authority that it satisfies the following criteria:

- A. That a literal enforcement of this Code would result in practical difficulty or unnecessary hardship. The difficulty or hardship may arise from the property's size, shape or topography, from the location of lawfully existing buildings and improvements, or from personal circumstances which would result in greater private expense than public benefit of strict enforcement.
- B. That the condition causing the difficulty was not created by the applicant.
- C. That the granting of the Variance will not be detrimental to the public health, safety, and welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of this Code.

SECTION 43.004 - PROCESSING

In the processing of a Variance, the following procedures shall be followed:

- A. Initiation - A request for a Variance shall be initiated by a property owner or his authorized agent by filing an application with the Planning Department. The authorization of said agent shall be in writing and file with the application.
- B. Filing - An application for a Variance shall be filed on forms provided by the Planning Department, shall set forth in detail all information requested, and shall be accompanied by a Plot Plan.
- C. Filing Fee - Application for a Variance with the requested information attached shall be accompanied by a filing fee set by the Board of County Commissioners, by resolution, to defray the costs incidental to the proceedings.
- D. Improper Application - No Variance hearing shall be scheduled if it is determined by the Planning Director that the application does not provide the required information nor have attached any other information requested by the Planning Department. In lieu thereof, the applicant may advise the Planning Director that he is unable to submit the requested information.
- E. Review by Appropriate Authority - The review authority, as provided by Chapter 2 of this Code, shall review the application and render a decision as provided by the Review Procedures.
- F. Attachment of Conditions - The review authority may grant a Variance subject to such conditions as will assure that the departures from the requirements of this Code thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use zone in which the subject property is located, and which it finds necessary to protect the best interest of the surrounding property or neighborhood.
- G. Noncompliance with Conditions - The Planning Director may, as provided by Article 14 of this Code, take action where it reasonably appears that any condition imposed upon the granting of a Variance has not been complied with.
- H. Prior Variance - Any Variance granted pursuant to a zoning ordinance enacted prior to the effective date of this Code shall be construed to be a Variance in full effect unless otherwise voided pursuant to Paragraph G of this section.

- I. Limitation - No request for a Variance shall be considered by the Hearings Officer within a one-year period immediately following a previous denial of such request.

SECTION 43.005 - PLOT PLAN REQUIREMENTS

Plot plans shall be submitted in accordance with Article 41, Section 41.005 of this Code.

SECTION 43.006 - ADMINISTRATIVE VARIANCES

- A. Purpose - The purpose of this section is to allow for Planning Director review of certain minor variances which are limited in scope and which are unlikely to have impacts beyond the property on which they are located.
- B. Applicability - The Administrative Variance procedure will be used to review the following:
1. A building setback reduction not greater than twenty percent (20%) of the required setback.
 2. A reduction in the size of a permitted mobile home.
 3. A building setback reduction needed to allow for expansion of a residence which was lawfully built with a setback smaller than currently required. The new addition shall be no greater than twenty-five percent (25%) of the existing living space and shall be no closer to the property line than the existing building.
- C. Procedure - An application and site plan shall be filed as required by Sections 43.004 and 43.005. In reviewing the Variance, the Planning Director shall apply the criteria of Section 43.003 and make his findings and decision in writing.
- D. Notice - Notice of the decision shall be sent to the applicant and to the owners of property located within two hundred fifty (250) feet of the subject property.

ARTICLE 44 - CONDITIONAL USE PERMIT

SECTION 44.001 - PURPOSE

The purpose of the Conditional Use Permit is to provide a mechanism whereby uses which may be suitable only in certain locations or only if designed or operated in a particular manner may be allowed within the basic zone designation.

SECTION 44.002 - REVIEW PROCEDURE

Application for a Conditional Use Permit shall be subject to the Hearings Officer Review Procedure. Application for a Conditional Use Permit when in conjunction with a Comprehensive Land Use Plan change shall be subject to the Board of Commissioners and Planning Commission Review Procedures.

A Conditional Use Permit when in conjunction with a subdivision and PUD shall be subject to the Planning Commission Review Procedure.

SECTION 44.003 - REVIEW CRITERIA

A Conditional Use Permit shall be granted only if the reviewing authority shall find that it satisfies the following criteria, as well as all other criteria and standards of this Code and other applicable codes and ordinances.

- A. That the use is conditionally permitted in the zone in which it is proposed to be located.
- B. That the location, size, design, and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan.
- C. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

SECTION 44.004 - PROCESSING

In the processing of a Conditional Use Permit, the following procedures shall be followed:

- A. Initiation - An application for a Conditional Use Permit shall be initiated by the owner of the property for which the Conditional Use Permit is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.

- B. Filing - An application for a Conditional Use Permit shall be filed on forms provided by the Planning Department, shall set forth in detail all the information requested, and shall be accompanied by a Plot Plan.
- C. Filing Fee - Application for a Conditional Use Permit with the requested information attached shall be accompanied by a filing fee set by the Board of County Commissioners, by resolution, to defray the costs incidental to the proceedings.
- D. Improper Application - No hearing shall be scheduled for a Conditional Use Permit if it is determined by the Planning Director that the application does not provide the desired information nor have attached any other information requested by the Planning Department. In lieu thereof, the applicant may advise the Planning Director in writing that he is unable to supply the requested information.
- E. Review by Appropriate Authority - The review authority, as provided by Chapter 2 of this Code, shall review the application and render a decision as provided by the review procedures.
- F. Attachment of Conditions - The review authority may approve the Conditional Use Permit subject to such reasonable conditions as are necessary, which conditions may include, but are not limited to:
- Regulation of use or uses
 - Special yards, spaces and buffers
 - Fences, hedges and walls
 - Surfacing of parking area
 - Requiring street, service road or alley dedications and improvements or appropriate bonds
 - Regulation of points of vehicular ingress and egress
 - Regulation of signs
 - Requiring landscaping and maintenance thereof
 - Requiring maintenance of the grounds
 - Regulation of noise, vibration, odors, etc.
 - Regulation of time for certain activities
 - Time period within which the proposed use shall be developed
 - Duration of use
 - Such other conditions as will make possible the development of the County in an orderly and efficient manner and conformity with the intent and purposes of applicable ordinances.
- G. Appeal of Decision - The decision of the review authority shall be final unless an appeal in writing is filed as provided in Chapter 3, Article 33.

- H. Noncompliance with Conditions - The Planning Director may take action as provided by Article 14 of this Code where it reasonably appears that any condition imposed upon the granting of a Conditional Use Permit has not been complied with.
- I. Prior Conditional Use Permit - Any Conditional Use Permit granted pursuant to a zoning ordinance enacted prior to the effective date of this Code shall be construed to be a Conditional Use Permit in full effect unless otherwise voided pursuant to Paragraph "H" of this section.
- J. Revisions to a Valid Conditional Use Permit - Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deedholder shall be considered in accordance with the procedure of this Article as though a new Conditional Use Permit were being applied for.
- K. Limitation - No request for a Conditional Use Permit shall be considered by the review authority within a one-year period immediately following a previous denial of such request.

SECTION 44.005 - PLOT PLAN REQUIREMENTS

Plot plans shall be submitted in accordance with Article 41, Section 41.005 of this Code.

SECTION 44.006 - TIME LIMIT ON CONDITIONAL USE PERMIT APPROVAL

A Conditional Use Permit shall be void after two (2) years if no substantial development has taken place. However, the review authority may extend the two-year period at the hearing on the initial application or at a later date upon the request of the applicant and a showing of good cause therefore. The reviewing authority may place such conditions upon the granting of additional time, including but not limited to, the requirement of a performance bond or cash deposit to be forfeited to the County in the event that substantial progress on the proposed development has not been made at the end of the period of time granted by the reviewing authority.

- A. Substantial progress shall require consideration by the reviewing authority of the following factors:
 - 1. The ratio of expenditures incurred to the total cost of the project.
 - 2. The good faith of the landowner.
 - 3. Whether the expenditures have any relationship to the completed project or could apply the various other uses of the land.

4. The kind of project, location and ultimate cost.
5. Whether the acts of the landowner arise beyond mere contemplated use or preparation, such as, leveling of land, boring test holes for preliminary negotiations with contractors or architects.

ARTICLE 45 - MAJOR AND MINOR LAND PARTITION

SECTION 45.001 - PURPOSE

The purpose of the land partitioning procedure is to ensure that the division of lands into parcels for subsequent use and development is conducted in an orderly manner and in compliance with this Code and State Law.

SECTION 45.002 - REVIEW PROCEDURE

Application for review of a tentative partition in an agricultural zone shall be subject to the Planning Commission Review Procedure. Application for review of major partitions shall be subject to the Review Board Review Procedure. Application for review of all other partitions shall be subject to the Planning Director Review Procedure.

SECTION 45.003 - REVIEW CRITERIA

The tentative plan for a major or minor partition may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- A. The proposed tentative plan is in conformance with the Klamath County Comprehensive Plan.
- B. The proposed tentative plan is in conformance with all applicable provisions of this Code, other County Codes and ordinances, and Oregon Law.
- C. For a minor partition, no creation of a street or road is required.
- D. For a major partition, the creation of a street or road is required. All private streets or roads shall have a minimum right-of-way width of thirty (30) feet.
- E. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.
- F. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.
- G. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.
- H. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

- I. No partition shall be approved within a subdivision, planned unit development, or a partition previously approved under Ordinances 45, 45.1, or 45.2, until provisions are made to comply with the standards of Sections 71.009 and 71.010 of this Code for those roads adjoining or passing through the proposed partition. This requirement may be waived upon a finding by the review authority that adequate access has been provided considering the number, size, shape and proposed use of the parcels being created.
- J. Applicant shall verify legal access to the property.
- K. The existing sewer and water facilities and existing fire protection services are adequate to serve the proposed development.
- L. Partitions within the urban area which create parcels greater than one-half (1/2) acre but less than five (5) acres in size are subject to the pre-platting standards of Section 45.005A(4) unless the Planning Director waives this requirement pursuant to the following findings:
 - 1. Proposed parcel size or configuration, topography, site design, development constraints and the location of buildings preclude pre-platting of lots in a partition.
 - 2. The proposed partition design will not interfere with future street extensions.
 - 3. The partition design does not preclude future redivision of the parcels into lots a maximum of 1 1/2 times larger than the minimum lot size allowed by the zone.
 - 4. The partition shall be subject to specific setback requirements which insure that future building locations will not prevent adequate buildout on pre-platted lots.
- M. "Industrial parcels existing at the effective date of this Code of 20-80 acres in size shall not be partitioned unless a specific industrial use is proposed."

SECTION 45.004 - PROCESSING

In the processing of a major or minor land partition the following procedures shall be followed:

- A. Initiation - An application for a land partition shall be initiated by the owner of the property for which the partition is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.
- B. Filing - An application for a land partition shall be filed on forms provided by the Planning Department and shall set forth in detail all the information requested.

- C. Filing Fee - Application for a land partition with the required information attached shall be accompanied by a filing fee to defray the costs incidental to the proceedings.
- D. Improper Application - No review shall be scheduled for a land partition if it is determined by the Planning Director that the application does not provide the required information.
- E. Review of the Tentative Plan by Other Departments - No later than fifteen (15) days prior to the review date, the Planning Director shall furnish one (1) copy of the tentative plan and supplemental material to the agencies or offices listed on the Agency Notification Checklist. These agencies may review the plan and return their recommendations in writing to the Planning Director prior to the scheduled review date.
- F. Property Inspection - All proposed partitions may be inspected by the Planning Director, the Director of Public Works, and the Director of Environmental Health or their authorized representatives prior to consideration by the review authority. If any unusual conditions such as improper site distances, excessive grades, improper drainage facilities, or any other conditions that may have an adverse affect upon the surrounding property or Klamath County are found to exist, conditions for approval of the plan and/or engineering plans, specifications, and additional improvements may be required subject to approval by the reviewing authority.
- G. Conditions - The tentative plan for a major or minor partition may be approved subject to conditions as judged necessary by the review authority.
- H. Survey of Parcels - The review authority, in reviewing the tentative plan, may require a survey.
- I. Submission of Final Map - Within one (1) year of the date of approval of a tentative plan, the partitioner shall prepare and submit a final map which conforms with the approved tentative plan and Section 45.005B of this Code. All materials necessary for final partition approval must be submitted prior to the partition expiration date. When a Conditional Use Permit or a Variance is a condition of approval, the one-year time limit for final map submittal will begin the date the order is signed for either the Conditional Use Permit or Variance.
- J. Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final partition, a partitioner may apply for a time extension on forms provided by the Planning Department accompanied by the fee as set forth in this Code. The application for a time extension must contain sufficient information in

order to make the findings required by the Land Development Code. A maximum of three (3) such extensions may be granted by the Planning Director following the date of tentative approval and upon a written finding that the facts upon which the approval of the tentative partition was based have not changed to an extent sufficient to warrant refiling of the tentative partition and after a finding that no other development approvals would be affected. In no case shall the cumulative length of such extensions exceed three (3) years. If a time extension is not requested or approved, the partitioner shall file a new application for review of the tentative partition.

K. If any of the following conditions (1 - 8) must be met, the County Engineer shall affix his signature to the final partition map.

1. Before approval is certified on the final map, the partitioner shall:
 - a. Cause the recording of all easements as shown on the final map.
 - b. If required, install all improvements and repair existing streets and other public facilities damaged in the development of the partition; or
 - c. Execute and file with the County Engineer 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 not completed within the two (2) years, the County may complete the same and recover the full cost and expense thereof from the partitioner.
2. 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 Code;
3. An improvement inspection fee shall accompany the submission of the final map;
4. If improvements are to be installed by the partitioner under terms of an agreement:
 - a. A bond or other security acceptable to the County Engineer may be required;
 - b. Construction of the roads may be permitted in phases under conditions specified;
 - c. Extension of the time limit may be granted under conditions specified; and

- d. Termination of the agreement may be made upon the completion of proceedings pursuant to applicable statutes for the formation of an assessment district providing for the construction of the improvements specified in the agreement.
- 5. The partitioner shall file with the agreement, to assure his full and faithful performance thereof, one of the following subject to the approval by the County:
 - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon;
 - b. Cash or certified check;
 - c. Time deposit certificate payable to Klamath County; or
 - d. Savings account assignment to Klamath County;
 - e. An irrevocable letter of credit in favor of Klamath County from a financial institution authorized to do business in the State of Oregon in a form acceptable to the County.
- 6. 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 expense;
- 7. In the event the partitioner shall fail to carry out all provisions of the agreement, the County shall:
 - a. Call on the surety company for full and faithful performance; or
 - b. Use the deposit or letter of credit to complete the work; and
- 8. If the amount of the bond, deposit or letter of credit exceeds the cost of completing the work, the County shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the partitioner shall be liable for the difference and, upon demand, pay such liability to the County.
- L. Approval of County Surveyor - If a survey has been conducted, upon receipt of the final map, 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 map is technically correct and within the allowable limits of error according to statutes. The County Surveyor may, if he determines it is necessary to his review, make field checks to verify that the map is sufficiently correct on the ground. When he finds the final map to be in full conformance, he shall so certify on the face of the map by affixing his signature.

- M. Approval of County Planning Director - Upon submission of the final map and supplementary information to the County Planning Department, the Planning Director shall thoroughly review the final map. If the Planning Director determines that the final map is in conformance with the approved tentative plan and the requirements of this Code, he shall refer the map to the appropriate review authority for signature.
- N. Filing of Final Map - After obtaining all required approvals and signatures, the partitioner shall file the map with the County Recording Officer and an exact copy with the County Surveyor, if applicable. Approval of the final map shall be null and void if the map and required tracing is not filed within thirty (30) days after the date of the review authority's required approving signature, or of the approving body of an appeal action.
- O. Limitation - No request for a similar partition shall be considered by the review authority within a one-year period immediately following a denial of the partitioning of the same property.
- P. Processing - When partitioning or subdividing vacant industrially zoned land greater than twenty (20) acres in size into parcels or lots of less than eighty (80) acres in size, the applicant must provide some form of verification supporting the intent to establish an industrial use on property. This verification must include at a minimum a letter of credit or other verification that funds or financing has been approved for the proposed use and the construction working drawings for the proposed facility or a letter of industrial intent from the prospective company.

SECTION 45.005 - SUBMITTAL REQUIREMENTS

The following standards shall apply for the submission of major and minor partition tentative maps, final maps and supplementary materials.

A. Tentative Map and Supplementary Materials

1. Preparation and Submission - The partitioner shall cause to be prepared a tentative plan, together with improvement plans and other supplementary materials as may be required to indicate the objectives of the development. Fifteen (15) copies of the tentative map and one tracing suitable for making copies shall be submitted to the Planning Department.
2. Information Required - The following information shall be shown on the tentative plan:
 - a. The tentative map shall be drawn with an engineer's scale that will be commensurate with its purpose, and shall show the partition number assigned by the Planning Department (obtained prior to submittal), north point and date of map preparation;
 - b. All proposed lot lines and dimensions thereof, in addition to the external boundaries of the property being partitioned, the location of all permanent reference monuments, either found or set.
 - c. Outline and location of existing buildings to remain on the property and address, if available.
 - d. The location, width and names of all streets, both existing and proposed, the location, width and purpose of all existing and proposed easements, all existing and proposed utilities and the method of serving each parcel including the source of domestic water supply and the method of sewage disposal.
 - e. Approximate acreage of each parcel.
 - f. The existing and proposed use of the land.
 - g. Jurisdictional or political boundaries.
 - h. Any elevation datum used, if applicable.
 - i. Proposed means of vehicular access to individual parcels.
 - j. Locations of any existing water wells, approximate location of any septic tanks and leach field on each parcel.
 - k. All bodies of water such as rivers, streams, lakes, irrigation facilities.
 - l. Natural physical features such as canyons, bluffs, rock outcroppings, steep slopes, etc.

- m. Approximate street grades and direction of surface water drainage flow on existing or proposed streets.
- n. The names, addresses and phone numbers of the owners, contract purchasers, partitioners of the subject property and the person preparing the tentative plan.
- o. A vicinity map shall be required.
- p. Comprehensive Plan designation(s) and land use zones applicable to the subject property.
- q. Description of and location of all proposed improvements.
- r. Boundary lines of adjacent properties and the names of owners of record.
- s. The property location (subdivision, section, township and range).
- t. If the partition has been surveyed, the surveyor's name, address and phone number.
- u. Partition maps within big game winter ranges must indicate location of homesites on contiguous properties and access way to those properties.

3. Accompanying Statement

- a. A list of all property owners located within two hundred fifty (250) feet, including street rights-of-way and bodies of water, of the boundary of the property proposed for partitioning, if the information is not shown on the map.

4. The partition map must indicate:

- a. Potential pre-platted lots no greater than one and one-half (1 1/2) times the minimum lot size allowed by the zone.
- b. Legal access to pre-platted lots.
- c. Easements for vehicular and utility access if determined necessary by the Planning Director after consultation with appropriate agencies and utilities.
- d. Setbacks conforming to setback requirements of two pre-platted lots rather than the partitioned parcels.

5. Pre-plat map must be:

- a. 18" x 12" (This may be enlarged if determined necessary by the Planning Director or his designee.)
- b. Drawn on good quality tracing medium.
- c. At the same scale as the original partition.
- d. It is encouraged that this step be worked out with the County Engineer prior to submitting, for ease of application.

B. Final Map

- 1. Partitions that are required to be surveyed shall be drawn in black india ink on 3 to 5 mil mylar, or photographically reproduced on good quality tracing medium, 18" x 27" with a 4" margin at the left end for binding purposes and no part of the drawing shall be nearer to the edge of the sheet than one (1) inch. One reproducible copy of the map shall also be submitted. A current preliminary title report or subdivision guarantee issued within the past thirty (30) days in the name of the owners shall be submitted with the final map to the County Planning Director. The final map shall include spaces for dates and signatures of the appropriate approving body, the County Surveyor and County Clerk. If the decision on a partition has been referred or appealed from the reviewing authority, the final map shall then have signature spaces for the approving body in lieu of the reviewing authority and a signature space for the County Surveyor and County Clerk for filing purposes.

The following information shall be clearly and legibly shown on the approved map:

- a. The date of survey.
- b. Scale of drawing and North point.
- c. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner in Township and Range, or to a lot corner of a platted subdivision.
- d. All bearings or measured angles and distances separately indicated from those of record.
- e. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
- f. The name or person for whom the survey was made.
- g. Discrepancies between survey and older surveys and evidence of existing lines of occupancy.

- h. The number of the partition
 - i. Street names adjacent to the partition.
 - j. Signed land surveyor's stamp.
 - k. In big game winter ranges, location of proposed homesites to be indicated if development is to be clustered for a reduced minimum lot size.
2. Partitions that are not required to be surveyed shall be drawn in black india ink on 18" x 24" tracing cloth, 100% rag drafting paper, or 3 to 5 mil mylar with a 4" margin at the left end for binding purposes, and no part of the drawing shall be nearer to the edge of the sheet than one (1) inch. One reproducible copy of the map shall also be submitted. The final map must be clearly legible and be capable of being reproduced by direct contact prints. A current preliminary title report or subdivision guarantee issued within the past thirty (30) days in the same name of the owners shall be submitted with the final map to the County Planning Director. The final map shall include spaces for dates and signatures of the appropriate approving body, the County Surveyor and County Clerk. If the decision on a partition has been referred or appealed from the reviewing authority, the final map shall then have signature spaces for the approving body in lieu of the reviewing authority and a signature space for the County Clerk for filing purposes.

The following information shall be clearly and legibly shown on the map:

- a. Location of the partition by one-fourth section, Township and Range or legally recorded subdivision.
- b. The date of completion of the drawing.
- c. Scale of the drawing and North point.
- d. The bearings and distances on all lines both on the outside boundaries of the partition and the division lines within the partition.
- e. Bearing and distance tie to a section corner, one-quarter corners, one-sixteenth corner, or to a lot corner of a platted subdivision.
- f. Partitioner's name.

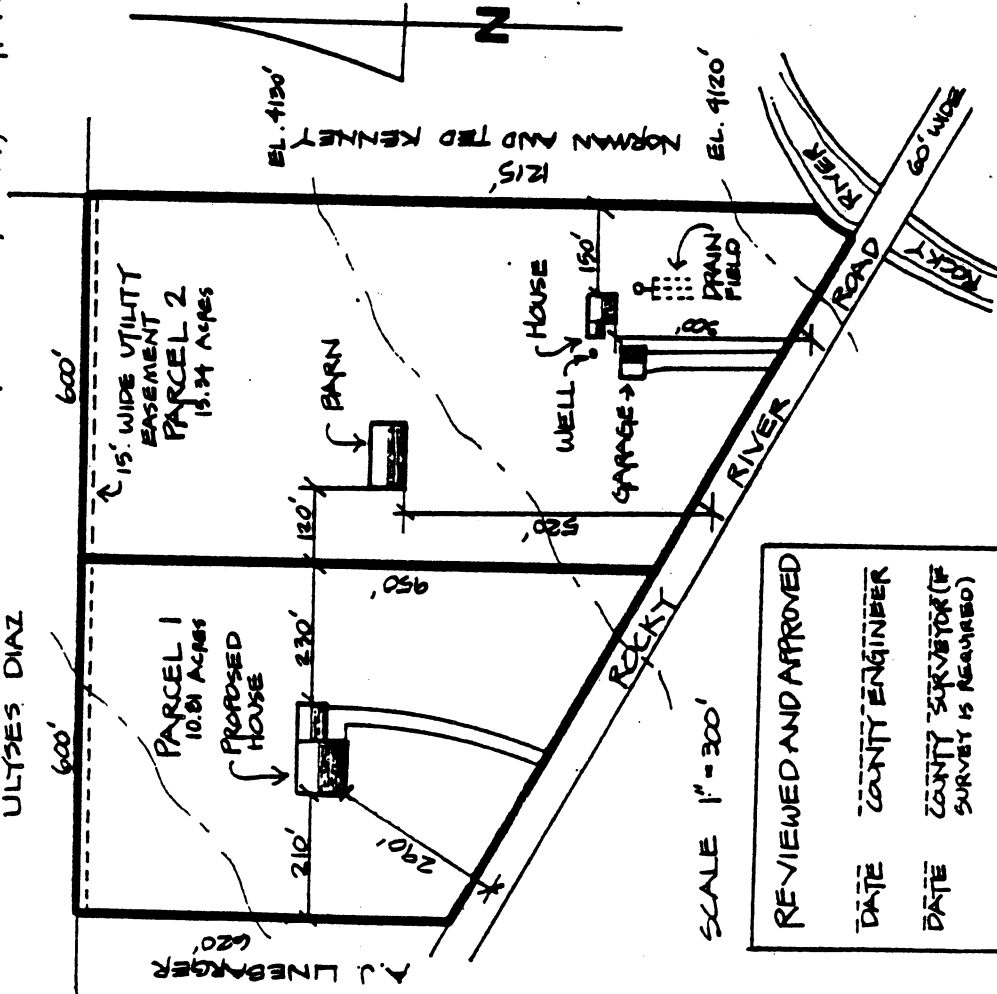
- g. The partition number.
- h. Street names adjacent to the partition.
- i. In big game winter ranges, location of proposed homesites to be indicated if development is to be clustered for a reduced minimum lot size.

MINOR PARTITION 81-645

FOR LG. BOTTS

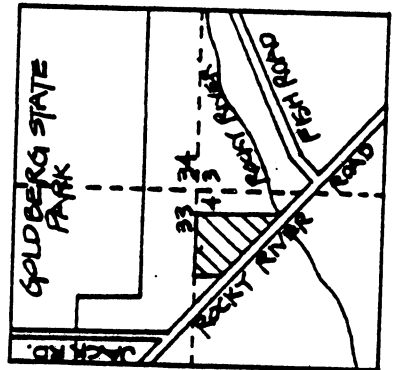
LOCATED IN THE NE 1/4, NE 1/4, SECTION 4, TOWNSHIP 37, RANGE 8 E.W.M.

ULYES DIAZ



SCALE 1"=300'

REVIEWED AND APPROVED	
DATE	COUNTY ENGINEER
DATE	COUNTY SURVEYOR (IF SURVEY IS REQUIRED)
DATE	COUNTY PLANNING DIRECTOR



VICINITY MAP (NO SCALE)

OWNER/APPLICANT — LG. BOTTS

RT. 12, BOX 775-E

KLAMATH FALLS, OR 97601

888-1111

ZONE DESIGNATION — R

COMPREHENSIVE PLAN — RURAL DESIGNATION

EXISTING USE — RESIDENTIAL

PROPOSED USE — RESIDENTIAL

TOTAL AREA — 26.15 ACRES

WATER SUPPLY — INDIVIDUAL WELLS

SEWAGE DISPOSAL — INDIVIDUAL SEPTIC SYSTEMS

STORM DRAINAGE — SURFACE RUNOFF

DATE OF PREPARATION:

OCTOBER 15, 1980

NOTE: This map is only a general example. Your map should be on 18" x 27" mylar.

ARTICLE 46 - SUBDIVISION OF LAND

SECTION 46.001 - PURPOSE

The purpose of land subdivision is to ensure that the division of lands into lots for subsequent use and development is conducted in an orderly manner and in compliance with the standards and criteria of this Code and State Law.

SECTION 46.002 - REVIEW PROCEDURE

Application for the review of a preliminary plat of a subdivision shall be subject to the Planning Commission Review Procedure.

SECTION 46.003 - REVIEW CRITERIA

The preliminary plat of a proposed subdivision may be approved only if the reviewing authority finds that it satisfies the following criteria:

- A. The preliminary plat of the proposed subdivision is in conformance with the Klamath County Comprehensive Plan.
- B. The preliminary plat of the proposed subdivision is in conformance with all applicable provisions of this Code, other county codes and ordinances and State Law.
- C. The future street plan for the proposed subdivision will permit its development in accordance with this Code.
- D. The future street plan for the proposed subdivision will permit the development of adjoining land or is provided access that will allow its development in accordance with this Code.
- E. The site of the proposed subdivision is physically suitable for the type and density of the proposed development.
- F. The existing sewer and water facilities and existing fire protection services are adequate to serve the proposed development.

SECTION 46.004 - PROCESSING

In the processing of a subdivision, the following procedures shall be followed:

- A. Initiation - An application for a subdivision shall be initiated by the owner of the property for which the subdivision is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.

- B. Filing - An application for a subdivision shall be filed on forms provided by the Planning Department and shall set forth in detail all the information requested.
- C. Filing Fee - Application for a subdivision with the requested information attached shall be accompanied by a filing fee set by the Board of County Commissioners, by resolution, to defray the costs incidental to the proceedings.
- D. Improper Application - No hearing shall be scheduled for a subdivision if it is determined by the Planning Director that the application does not provide the required information, unless it is unavailable.
- E. Review by the Planning Department - Prior to a preliminary plat application being scheduled on any agenda, the Planning Director shall have five (5) working days in order to determine if the applicant needs to make any additional applications with the preliminary plat, such as Variances for block length or lot depth to width ratio.
- F. Review of the Preliminary Plat by Other Departments - No later than fifteen (15) days prior to the hearing date, the Planning Director shall furnish one (1) copy of the preliminary plat and supplemental material to the agencies or offices contained on the Hearings Notification Checklist maintained by the Planning Department. These agencies may review the plat and return their recommendations in writing to the Planning Director prior to the hearing.
- G. Property Inspection - All proposed subdivisions may be inspected by the Director of Planning, the Director of Public Works, and the Director of Environmental Health or their authorized representatives prior to consideration by the Planning Commission. If any unusual conditions such as improper site distance, excessive grades, improper drainage facilities, or any other conditions that may have an adverse affect upon the surrounding property or Klamath County are found to exist, conditions for approval of the plan and/or engineering plans, specifications, and additional improvements may be required subject to approval by the Planning Commission.
- H. Review by Appropriate Authority - The application for a subdivision shall be reviewed by the appropriate review authority as provided in Chapter 2.
- I. Conditions - The preliminary plat for a subdivision may be approved subject to conditions as judged necessary by the Planning Commission.

- J. The Planning Commission shall review the hydrology report and make findings that there is an adequate quantity of water indicated for the proposed development, and that the quality of the water meets minimum standards set by the Oregon State Health Division.
- K. Survey of Lots - Following the approval of a preliminary plat for a subdivision, the subdivider shall cause the lots thus created to be accurately surveyed and monumented in accordance with standards established in Oregon Revised Statutes 92.050 et seq, as revised.
- L. Submission of Final Plat - Within one (1) year of the date of approval of a preliminary plat, the subdivider shall prepare and submit a final plat which conforms with the approved preliminary plat and the survey. In the event of appeal of decision, the one (1) year time limit shall be from the date when all appeals are concluded. When a Conditional Use Permit or Variance is a condition of approval, the one (1) year time limit for final map submittal will begin the date the order is signed for either the Conditional Use Permit or Variance. The final plat shall be prepared in accordance with the State Law and the provisions of this Code. Any major revisions from the approved or conditionally approved preliminary plat, determined at the time that detailed surveying work is accomplished, shall be reviewed by the Planning and Public Works Departments. If determined necessary, the plat shall be referred back to the Planning Commission for approval of the modified plat. The Planning Director will allow density changes of up to a ten percent (10%) increase or twenty percent (20%) decrease in overall density so long as any increase of density is within the allowable limits of the applicable zone designation.
- M. Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final plat, a subdivider may apply for a time extension on forms provided by the Planning Department accompanied by the fee established by resolution of the Board of Commissioners. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) of such extensions may be granted by the Planning Director following the date of tentative approval and upon a written finding that the facts upon which the approval of the tentative plat was based have not changed to an extent sufficient to warrant refiling of the tentative plat and after a finding that no other development approvals would be affected. In no case shall the cumulative length of such extensions exceed three (3) years. If a time extension is not requested or approved, the subdivider shall file a new application for review of the tentative plat.

- O. Approval of County Engineer - Upon its receipt, the Planning Director shall transmit the final plat and other related supplementary data to the County Engineer who shall ensure that the subdivider has complied with the following requirements:
 1. Before approval is certified on the final plat, the subdivider shall:
 - a. Install all required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or
 - b. Execute and file with the County Engineer an agreement between himself and the County specifying that within two (2) years all required improvements and repairs shall be completed, and providing if such work is not completed, within two (2) years, the County may complete the same and recover the full cost and expense from the subdivider;
 2. 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 Code.
 3. An improvement inspection fee shall accompany the submission of the final plat;
 4. When improvements are to be installed by the subdivider, under terms of an agreement:
 - a. A subdivision bond or other security acceptable to the County Engineer shall be required;
 - b. Construction of the roads may be permitted in phases under conditions specified; and
 - c. Extension of the time limit may be granted under conditions specified.
 5. The subdivider shall file with the agreement, to assure his full and faithful performance, one of the following subject to County approval.
 - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
 - b. Cash or certified check;
 - c. Time deposit certificates payable to Klamath County;
 - d. Savings account assignment to Klamath County; or

- e. An irrevocable letter of credit in favor of Klamath County from a financial institution authorized to do business in the State of Oregon in a form acceptable to the County.
- 6. 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;
- 7. In the event the subdivider shall fail to carry out all provisions of the agreement, the County shall:
 - a. Call on the surety company for full and faithful performance; or
 - b. Use the deposit or certified check to complete the work; and
- 8. If the amount of the bond or deposit or letter of credit exceeds the cost of completing the work, the County shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit 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.
- O. Approval of County Surveyor - Upon receipt of the final plat, the Planning Director shall transmit the final plat and other related supplementary data to the County Surveyor who shall review the final plat 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 shall make field checks to verify that the plat 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. The statutory fee for the above approval shall be submitted to the County Surveyor by the subdivider before this certification is made.
- P. 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 planning 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 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 the Board of Commissioners or being made to conform to the original conditions of approval, the Planning Director shall affix his signature to the plat.

- Q. 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 full plat for signature and recordation.
- R. Filing of Final Plat - After obtaining all required approvals and signatures, the subdivider shall file the plat and the exact copy with the County Clerk. 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 one (1) print of the final plat to each of the following: County Assessor, County Surveyor, County Engineer, and the County Planning Director.
- S. 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, in accordance with the provisions of the Oregon Revised Statutes, Chapter 92 et seq, as revised.

SECTION 46.005 - SUBMITTAL REQUIREMENTS

The following standards shall apply for the submission of preliminary and final subdivision plats and supplementary materials.

A. Preliminary Plat and Supplemental Materials

- 1. Preparation and Submission. 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. Thirty (30) copies of the preliminary plat shall be submitted to the County Planning Department.
- 2. 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 County 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 or 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 County 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, addresses and phone numbers of all owners within the subdivision, the subdivider, if other than the owner and the registered surveyor; and
 - f. Appropriate identification clearly stating the map is a preliminary plat.
3. 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 rights-of-way, and other important features, such as section lines and corner and city boundary lines;
 - b. For subdivisions within urban areas, 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 areas, contour lines shall be 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 declineation of the high water mark;
 - e. Natural features, such as rock outcroppings, marsh lands, wooded areas, preservable trees; and
 - f. Existing uses of the property, including the location of all existing structures to remain on the property after platting.
4. Proposed Plan of Development. 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.
 - 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.
5. 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 and/or existing 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 subdivisions;
 - f. Proposed building setback lines.
6. Drainage Plan. A drainage plan, prepared in accordance with Article 72, shall accompany all preliminary plats in the urban area.

B. Final Plat and Supplementary Materials

1. 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.
2. 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 registered land surveyor that prepared the plat;
 - 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, range, 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-hundreth 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 of 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 hundreth;
- 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 center-line 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 length 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, exact as to form and content to those presented in Exhibits I through XIII of these standards:
 - 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 land shown on the final map;
 - ii. A certificate signed and properly acknowledged by the Registered Land Surveyor responsible for the survey and preparation of the final plat. The signature of such registered 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; or
 - (2) An agreement has been executed as provided in Section 47.004, Subsection "N", of the Land Development Code.
 - 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 Registered Surveyor certifying that the tracing is a true and exact copy of the final plat; and
 - vi. A certification by the subdivider that central water supply and sanitary sewer systems will not be provided; or if such systems are to be provided, a certification by the authorized representative of the agency or authority which will provide these services.

3. Space for signatures of the following: County Surveyor, County Treasurer, Planning Director, County Clerk, Chairman of the County Board and the County Commissioners.
4. Supplemental Information with Final Plat. The following data shall accompany the final plat:
 - a. A preliminary title report or subdivision guarantee 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 urban and rural area plats, plans, profiles and specifications, prepared by the engineer showing proposed construction design and standards for all improvements.
 - g. All such design work shall be submitted to and approved by the County Engineer before construction begins, changes in plans must be reviewed with the design engineer and approved 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.

EXHIBIT I (Surveyor's Certificate)

SURVEYOR'S CERTIFICATE

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

I, _____, Surveyor, being duly sworn,
depose and say that I have surveyed, subdivided and platted
(Name of Subdivision) _____ situated in the
(Section, Township and Range) _____,
_____ more particularly described as follows:

(Specific Legal Description)

and that I made such survey and plat by order of and under the direction
of the owners thereof; that the size of all lots and the widths of all
streets are as shown on the annexed plat; and that all lot corners
and boundary corners are marked with iron pins and wooden witness
stakes as indicated on the annexed plat.

Surveyor

SUBSCRIBED AND SWORN to before me this _____ day of _____,
19____.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT II (Owner's Certificate of Dedication)

DEDICATION

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

We, _____, husband and wife, being duly sworn, depose and say that we are the owners of _____ (Name of Subdivision), more particularly described in the annexed Surveyor's Certificate; that we did cause the same to be surveyed and platted as shown on the annexed map and we do for ourselves, our heirs and assigns, hereby dedicate, donate and convey to the public use forever, all streets (alleys), (pedestrian ways), said plat being subject to:

(List all building setbacks, special restrictions, utility easements, irrigation easements, street reservations, street plugs, protective covenants, etc).

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

Be it remembered that on this _____ day of _____, 19____, personally appeared before me _____ (Name of Owners), husband and wife, who are known to me to be the identical persons described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notary seal this _____ day of _____, 19____.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT III (Corporate Owner's Certificate of Dedication)

DEDICATION

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

This is to certify that (name of corporation) is a corporation duly organized and existing under and by virtue of the laws of the State of Oregon, and is the owner of the land described in the annexed Surveyor's Certificate, said lands to be hereafter known as (Name of Subdivision); and said (Name of Corporation) did cause the same to be surveyed and platted as shown on the annexed map and does for itself, its transferees, successors, and assigns hereby dedicate, donate, and convey to the public use forever, all streets, (alleys), (pedestrian ways), said plat being subject to:

(List all building setbacks, special restrictions, utility easements, irrigation easements, street reservations, street plugs, protective covenants, etc).

IN WITNESS WHEREOF, (Name of Corporation), pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its (Name of Officers) and its corporate seal affixed hereto.

President

Secretary

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

Be it remembered that on this _____ day of _____, 19____, personally appeared before me _____ President, and known to me to be the identical persons described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily as such officers on behalf of said corporation by authority of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notary seal this _____ day of _____, 19____.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT IV (Required Approvals)

Approved by the County Planning Director this _____ day of _____, 19__.

Planning Director

Approved by the Klamath County Board of Commissioners this _____ day of _____, 19__.

BOARD OF COUNTY COMMISSIONERS

Chairman of the Board

County Commissioner

County Commissioner

Examined and recommended for approval by the Klamath County Board of Commissioners this _____ day of _____, 19__.

County Surveyor

EXHIBIT V (Required Bonding Agreement)

An agreement and assurance of performance for the installation
of _____ (Type of Improvement) has been executed with the County
Engineering Office this _____ day of _____,
10____.

Klamath County Engineer

If all improvements are installed prior to the submission of the final plat, then the following statement shall appear:

All improvements have been examined and approved by the Klamath County Engineer this _____ day of _____, 19__.

Klamath County Engineer

EXHIBIT VI (County Assessor's Certificate)

I hereby certify that pursuant to ORS 92.095, all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the (year) tax roll which became a lien on this subdivision or will become a lien during this calendar year but not yet certified to the tax collector for collection, have been paid to me.

Date

Assessor Deputy

EXHIBIT VII (County Treasurer's Certificate)

I hereby certify that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed upon the tax roll which have become a lien on this subdivision and that are now due and payable have been paid.

County Treasurer _____

By _____
Deputy

EXHIBIT VIII (Required Filing Statement)

Filed for record this _____ day of _____, 19____.

County Clerk _____

Deputy

EXHIBIT IX (Required Certification on the Tracing)

I do hereby certify that this is a true and exact copy of the original plat (Name of Subdivision) as filed with this office.

Klamath County Clerk _____ (signature)

I do hereby certify that this is a true and exact copy of the original plat _____ surveyed, subdivided and platted.

Registered Land Surveyor _____ (signature)

EXHIBIT X (Sewage Disposal System Certificate)

SEWAGE DISPOSAL SYSTEM CERTIFICATE

I, (name of subdivider), hereby certify
no sewage disposal facility will be provided to the p
of any lot depicted on the plat.

Signature of Subdivider

Date

EXHIBIT XI (Sewage Disposal System Certificate)

SEWAGE DISPOSAL SYSTEM CERTIFICATE

I, (city-owned sewage disposal system or by the owner of a
privately-owned sewage disposal system that is subject to regulation
by the Public Utility Commissioner of Oregon) , hereby certify
that a sewage disposaly system will be available to the lot line of
each and every lot depicted on the plat.

Signature

Title

Date

EXHIBIT XII (Water Supply Certificate)

WATER SUPPLY CERTIFICATE

I, (name of subdivider) , hereby
certify that no domestic water supply facility will
be provided to the purchaser of any lot depicted on
the plat.

Signature of Subdivider

Date

EXHIBIT XIII (Water Supply Certificate)

WATER SUPPLY CERTIFICATE

I, (city-owned domestic water supply system or the owner of a privately-owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon), hereby certify that water will be available to the lot line of each and every lot depicted on the plat.

Signature

Title

Date

ARTICLE 47 - CHANGE OF ZONE DESIGNATION (QUASI-JUDICIAL)

SECTION 47.001 - PURPOSE

The purpose of a change in zone is to provide for revisions in response to individual landowner needs, and for zone changes required to maintain conformance with the Klamath County Comprehensive Plan.

SECTION 47.002 - REVIEW PROCEDURE

Requests for a change of zone shall be subject to the Planning Commission Review Procedure when in conjunction with a Comprehensive Land Use Plan Change involving resource zones or when in conjunction with a preliminary plat. All other zone changes shall be subject to the Hearings Officer Review Procedure.

SECTION 47.003 - REVIEW CRITERIA

A proposed change of zone shall be approved if the reviewing authority shall find that:

- A. The change of zone is in conformance with the Comprehensive Plan, and all other provisions of the Land Development Code;
- B. The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning;
- C. The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein;
- D. The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties.

SECTION 47.004 - PROCESSING

In the processing of a change in zone, the following procedures shall be followed:

- A. Initiation by Property Owner - An application for a change of zone may be initiated by the owner of the subject property or the authorized representative of the owner. The authorization of said representative shall be in writing and filed with the application. Application shall be made on forms provided by the Planning Department, shall set forth in detail all required information, and shall be accompanied by a filing fee set by resolution of the Board of Commissioners to defray the costs incidental to the proceedings. If it is determined that the application does not provide the required information nor have attached other pertinent data requested, the application and filing fee shall not be accepted.

- B. Initiation by the County Planning Director - The Planning Director may initiate proceedings for a change of zone limited to zone changes required to implement the Klamath County Comprehensive Plan. The Planning Director shall refer said zone changes to the appropriate reviewing body.
- C. Public Hearing by the Board of Commissioners and Planning Commission or Hearings Officer - Upon receipt of an application for a change of zone, the Planning Director shall set a date for a public hearing, as provided by Chapter 3, Article 32.
- D. Notice - Notice of a hearing on a proposed change of zone shall be provided as follows:
 - 1. When the proposed change of zone would modify or change the land use zone designation of an individual property or a relatively small number of specific properties, or would otherwise substantially and directly affect their potential land use and development, individual notice within 250 feet of the proposed change shall be mailed in accordance with Chapter 3, Article 32 of this Code.
 - 2. When the proposed change of zone involves a substantial area and number of property owners or broad public policy changes, additional individual notice shall be given in accordance with ORS 215.503, subject to the availability of reimbursement funds from the Department of Land Conservation and Development.
- E. Review - The Board of Commissioners and Planning Commission or Hearings Officer shall review the proposed change of zone and render a decision in accordance with the procedure established in Chapter 2.
- F. Appeal - The decision of the review authority shall be final unless an appeal in writing is filed as provided in Chapter 3, Article 33 of this Code.
- G. Limitation - No request for a change of zone shall be considered by the Hearings Officer, Planning Commission, or Board of Commissioners on the same property or substantially the same property within a one (1) year period immediately following a previous denial of such request except the reviewing authority may consent to a new hearing if in the opinion of the reviewing authority new evidence or a change of circumstances warrant it.

SECTION 47.005 - PLOT PLAN REQUIREMENTS

Plot plans shall be submitted in accordance with Article 41, Section 41.005 of this Code.

ARTICLE 48 - CHANGE OF COMPREHENSIVE PLAN DESIGNATION
(QUASI-JUDICIAL)

SECTION 48.001 - PURPOSE

The purpose of the Change of Comprehensive Plan Designation is to provide for revisions in the Comprehensive Plan map in response to individual land use changes as a result of changing public needs, desires, and the rate of development in the county and in order to carry out the statewide planning goals.

SECTION 48.002 - REVIEW PROCEDURE

Requests for a change of Comprehensive Plan designation shall be subject to the Planning Commission and Board of Commissioners review procedure.

SECTION 48.003 - REVIEW CRITERIA

A proposed Change of Comprehensive Plan Designation shall be approved if the reviewing authority finds that:

- A. The proposed change is in compliance with the Statewide Planning Goals;
- B. The proposed change is in conformance with all policies of the Klamath County Comprehensive Plan; and
- C. The proposed change is supported by specific studies or other factual information which documents the public need for the change.

SECTION 48.004 - PROCESSING

In the processing of a Change of Comprehensive Plan Designation, the following procedures shall be followed:

- A. Initiation by Property Owner - An application for a change of Comprehensive Plan Designation may be initiated by the owner of the subject property or the authorized representative of the owner. The authorization of said representative shall be in writing and filed with the application form. Application shall be made on forms provided by the Planning Department, shall set forth in detail all the information required, and shall be accompanied by a filing fee set by resolution of the Board of Commissioners to defray the costs incidental to the proceedings. If it is determined the application does not provide the required information nor have attached other pertinent data requested, the application and filing fee shall not be accepted.

- B. Initiation by the County Planning Director - The Planning Director may initiate proceedings for a change of Comprehensive Plan Designation limited to changes required to maintain statewide goal compliance and to correct any errors in the official Comprehensive Plan Designation maps.
- C. Public Hearing by Planning Commission and Board of Commissioners - Upon receipt of an application for a Change of Comprehensive Plan Designation, the Planning Director shall set a date for a public hearing as provided by Chapter 3, Article 32.
- D. Notice - Notice of a hearing on a proposed Change of Comprehensive Plan Designation shall be provided as follows:
 - 1. When the proposed change would modify or change the land use designation of an individual property or a relatively small number of specific properties, or would otherwise substantially and directly affect their potential land use and development, individual notice within 250 feet of the proposed change shall be made in accordance with Chapter 3, Article 32 of this Code.
- E. Review by Planning Commission and Board of Commissioners - The reviewing authority shall review the proposed Change of Comprehensive Plan Designation and render its decision in accordance with the procedure established in Chapter 2.
- F. Appeal - Appeal from the decision of the Board of Commissioners shall be as provided by ORS.
- G. Limitation - No request for a Comprehensive Plan Change shall be considered by the Planning Commission and Board of Commissioners on the same property or substantially the same property within a one (1) year period immediately following a previous denial by the review authority of such request except the reviewing authority may consent to a new hearing if in the opinion of the review authority new evidence or a change of circumstances warrant it.

SECTION 48.005 - PLOT PLAN REQUIREMENTS

Plot plans shall be submitted in accordance with Article 41, Section 41.005 of this Code.

ARTICLE 49 - AMENDMENT OF THE LAND DEVELOPMENT CODE
-LEGISLATIVE-

SECTION 49.001 - PURPOSE

The purpose of the amendment of the Land Development Code is to provide for its revision in response to revisions to the Klamath County Comprehensive Plan, or to provide for the continued efficient administration of this Code.

SECTION 49.002 - REVIEW PROCEDURE

Requests to amend the Land Development Code shall be subject to the Planning Commission and the Board of Commissioners Review Procedures.

SECTION 49.003 - REVIEW CRITERIA

A proposed amendment of the Land Development Code shall be approved if the reviewing authority find that:

The proposed amendment is in compliance with the Statewide Planning Goals and with the Comprehensive Plan Policies.

SECTION 49.004 - PROCESSING

In the processing of amendments of the Land Development Code, the following procedures shall be followed:

- A. Initiation by the Planning Director, Planning Commission, or Board of Commissioners - The Planning Director, Planning Commission or Board of Commissioners may initiate proceedings to amend the Land Development Code by majority vote, providing that if said Director or Board initiates the amendment it shall be referred to the Planning Commission for hearing. Said referral shall be in writing stating the text of the amendment.
- B. Public Hearing by Planning Commission - Upon receipt of either a request for a Land Development Code amendment or a motion from the Planning Commission or Board of Commissioners to consider a proposed amendment, the Planning Director shall set a date for a public hearing, as provided by Chapter 3, Article 32 before the Planning Commission.
- C. Notice - Notice of a hearing on a proposed Land Development Code amendment shall be provided as follows:
 1. See Article 32.
 2. When the proposed amendment involves major public policy changes or a substantial number of property owners, additional individual notice may be provided in accordance with ORS 215.503, subject to the availability of reimbursement funds from the Department of Land Conservation and Development.

- D. Review by the Planning Commission - The Planning Commission shall review the proposed Land Development Code amendment in accordance with the procedure established in Chapter 2 and make a recommendation to the Board of Commissioners.
- E. Public Hearing by Board of Commissioners - Upon receipt of a recommendation of the Planning Commission, the Planning Director shall set a date for public hearing, as provided by Chapter 3, Article 32, before the Board of Commissioners.
- F. Notice - Notice of a public hearing before the Board of Commissioners shall be given in the manner prescribed by Paragraph C of this section.
- G. Review by Board of Commissioners - The Board of Commissioners shall review the proposed Land Development Code amendment and reach a decision in accordance with the procedure established in Chapter 2, and Oregon Revised Statutes relating to enactment of ordinances. If the decision of the Board of Commissioners is to approve the proposed amendment, such action shall be confirmed through amendment of the Land Development Code by the County Planning Department.
- H. Appeal - Appeal from the decision of the Board of Commissioners shall be as provided by Oregon Revised Statutes.
- I. Limitation - No request for a Land Development Code amendment shall be considered by the Planning Commission on the same matter or substantially the same matter within a one (1) year period immediately following a previous denial of such request except the Planning Commission may consent to a new hearing if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- J. Urban Growth Boundary Management Agreement Amendment - Amendment of an Urban Growth Boundary Management Agreement may be initiated by the County, City or by a county resident or property owner in accordance with the provisions of the respective City-County Urban Growth Boundary Management Agreement.

ARTICLE 49A - AMENDMENT OF THE COMPREHENSIVE PLAN DOCUMENT

SECTION 49.001A - PURPOSE

The purpose of Comprehensive Plan amendments is to provide for changes in periodic needs, desires, and the rate of development, and in order to carry out the Statewide Planning Goals. Major revisions of the plan should not occur more frequently than every two years, while minor revisions should not occur more frequently than once a year. Major revisions in the Comprehensive Plan are regarded as legislative, and include land use changes that have wide-spread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the use; or a spatial change that affects large areas from many different ownerships. Minor changes in the plan are regarded as quasi-judicial, and are those which do not have a significant effect beyond the immediate area of the change, such as those which are narrow in scope and which focus on specific situations.

SECTION 49.002A - REVIEW PROCEDURE

Requests to amend the Comprehensive Plan shall be subject to the Planning Commission and Board of Commissioners Review Procedure.

SECTION 49.003A - REVIEW CRITERIA

Major Revisions:

A proposed major amendment of the Comprehensive Plan shall be approved if the reviewing authority finds:

1. That the proposed amendment is in compliance with Oregon Planning Goals.
2. That the proposed amendment is in conformance with all elements and policies of the Comprehensive Plan; and
3. That the proposed amendment is supported by specific studies or other factual information which documents the public need for the amendment.

SECTION 49.004A - PROCESSING

In the processing of Comprehensive Plan Amendments, the following procedures shall be followed:

- A. Initiation by the Planning Director, Planning Commission, or Board of Commissioners - The Planning Director, Planning Commission or Board of Commissioners may initiate proceedings to amend the Comprehensive Plan by majority vote, providing that if said Director or Board initiates the amendment, it

shall be referred to the Planning Commission for hearing. Said referral shall be in writing stating the text of the amendment.

- B. Public Hearing by Planning Commission - Upon receipt of either a request for a Comprehensive Plan amendment or a motion from the Planning Commission or Board of Commissioners to consider a proposed amendment, the Planning Director shall set a date for a public hearing as provided by Chapter 3, Article 32 before the Planning Commission.
- C. Notice - Notice of a hearing on a proposed Comprehensive Plan amendment shall be provided as follows:
 - 1. See Article 32.
 - 2. When the proposed amendment involves major public policy changes or a substantial number of property owners, additional individual notice may be provided in accordance with ORS 215.503, subject to the availability of reimbursement funds from the Department of Land Conservation and Development.
- D. Review by the Planning Commission - The Planning Commission shall review the proposed Comprehensive Plan amendment in accordance with the procedure established in Chapter 2 and make a recommendation to the Board of Commissioners.
- E. Public Hearing by Board of Commissioners - Upon receipt of a recommendation of the Planning Commission, the Planning Director shall set a date for public hearing, as provided by Chapter 3, Article 32, before the Board of Commissioners.
- F. Notice - Notice of a public hearing before the Board of Commissioners shall be given in the manner prescribed by Paragraph C of this section.
- G. Review by Board of Commissioners - The Board of Commissioners shall review the proposed Comprehensive Plan amendment and reach a decision in accordance with the procedure established in Chapter 2, and Oregon Revised Statutes relating to enactment of ordinances. If the decision of the Board of Commissioners is to approve the proposed amendment, such action shall be confirmed through amendment of the Comprehensive Plan by the County Planning Department.
- H. Appeal - Appeal from the decision of the Board of Commissioners shall be as provided by Oregon Revised Statutes.
- I. Limitation - No request for a Comprehensive Plan amendment shall be considered by the Planning Commission on the same matter or substantially the same matter within a one (1) year period immediately following a previous denial of such request except the Planning Commission may consent

to a new hearing if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

- J. Urban Growth Boundary Management Agreement Amendment - Amendment of an Urban Growth Boundary Management Agreement may be initiated by the County, City or by a county resident or property owner in accordance with the provisions of the respective City-County Urban Growth Boundary Management Agreement.

C H A P T E R 5
L A N D U S E Z O N E S
ARTICLE 50 - BASIC PROVISIONS

SECTION 50.001 - PURPOSE

The purposes of this chapter are to establish land use zones required to carry out this Code, to define the purpose of each zone, and to specify the types of land uses appropriate for each zone. More specifically, the zones are formulated to support achievement of the following goals:

- A. To permit orderly and beneficial development, while protecting the character of neighborhoods and communities, and the social and economic stability of the county.
- B. To reconcile discordant land uses by identifying the relationship between compatible uses which minimize land use conflicts.
- C. To support the protection and preservation of the county's agricultural and silvicultural industry and the natural resources essential to the conduct of those industries.
- D. To support the protection and preservation of the county's space and recreational resources while providing for appropriate development.
- E. To provide areas where agricultural, residential, commercial and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments.
- F. To further the goals and policies of the Klamath County Comprehensive Plan.

ARTICLE 51 - DESIGNATION OF BASIC ZONES

SECTION 51.001 - LIST OF BASIC ZONES

The following zones are established in order to carry out the purpose of this Code and to implement the goals and policies of the Klamath County Comprehensive Plan:

RCR	Rural Community Residential
R-5	Rural
R-1	Rural
RS	Suburban Residential
RL	Low Density Residential
RM	Medium Density Residential
RH	High Density Residential
CN	Neighborhood Commercial
CC	Community Commercial
CG	General Commercial
CR	Recreational Commercial
CT	Transportation Commercial
CH	Highway Commercial
IL	Light Industrial
IH	Heavy Industrial
EFU-C	Exclusive Farm Use - Cropland
EFU-CG	Exclusive Farm Use - Cropland/Grazing
EFU-G	Exclusive Farm Use - Grazing
F	Forestry
FR	Forestry/Range
NR	Non-Resource
OS&C	Open Space and Conservation

SECTION 51.002 - RURAL COMMUNITY RESIDENTIAL (RCR)

- A. PURPOSE: The purpose of this zone is to establish areas within rural communities for residential uses where existing parcel sizes are generally under one acre and where the availability of water and sewer makes the creation of such parcels feasible. This zone may be applied only within rural communities where both water and sewer systems exist.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Single-family residential (on-site construction)
 2. Mobile home (individual)
 3. Accessory Building (garage, shed for storage of lawn and gardening equipment, wood)
 4. Essential Services
 5. Row and Field Crops
 6. Tree Crops
 7. Small Animals
 8. Large Animals if lot size is over 20,000 square feet; not more than 4 animals per acre
 9. Seasonal sale of agricultural products grown on premises.
- C. USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT: The following uses are further defined in Chapter 9 of this Code:
1. Multi-family Residential
 2. Group Care Residential
 3. Group Residential
 4. Clinic
 5. Community Education
 6. Community Recreation
 7. Religious Assembly
 8. Mobile Home Park
 9. Mobile Home Subdivision
 10. Additional Mobile Home if lot size is over 10,000 square feet.
 11. Extensive impact services, limited to parks, fire stations, utility substations, transmission lines, and ambulance services.
 12. Cemeteries
 13. Kennel, if lot size is over 20,000 square feet.
 14. Postal - Substation
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 5,000 square feet
 2. Residential Density - One (1) dwelling per lot
 3. Lot Size and Shape - See Chapter 6, Article 61

4. Building Setbacks and Yards - See Chapter 6, Article 62
5. Building Heights - See Chapter 6, Article 63
6. Distance Between Buildings - See Chapter 6, Article 62
7. Fences, Hedges and Walls - See Chapter 6, Article 64
8. Signs - See Chapter 6, Article 66
9. Access - See Chapter 7, Article 71
10. Parking - See Chapter 6, Article 68
11. Landscaping - See Chapter 6, Article 65

SECTION 51.003 - RURAL (R-5)

- A. PURPOSE: The purpose of this zone is to establish areas for rural residential living styles. These areas will allow for the pursuit of limited agricultural activities. These zones also serve to implement the Comprehensive Plan policy calling for buffers between Urban and Agricultural areas.

Typically, this zone is appropriate in rural or semi-rural areas, small family farm areas, and in areas with a pattern of lot sizes larger than one acre. This zone may be applied where existing or proposed public facilities or services are appropriate for a five acre density, or where there is a history of subsurface sewage problems, water problems, or other natural limitations. This zone is intended to implement the Comprehensive Plan designation of rural. This zone may be applied to rural land and lands in both rural communities and rural service centers.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Single-family dwelling
2. Mobile Home (individual)
3. Mobile Home Subdivision
4. Essential Services
5. Horticulture
6. Tree Crops
7. Row and Field Crops
8. Forestry
9. Small Animal Raising
10. Large Animal Raising
11. Seasonal sale of agricultural products grown or raised on the premises.

- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:

1. Horsekeeping
2. Group Care Residential
3. Large Animal Hospital
4. Animal Raising (Specialty)
5. Additional Mobile Home
6. Mobile Home Park
7. Extensive Impact Services, limited to parks, fire stations, utility substations, transmission lines, electrical generation facilities, and ambulance service
8. Cemeteries
9. Clinic Services
10. Community Education
11. Community Recreation
12. Religious Assembly
13. Kennel
14. Mineral Extraction and Exploration.

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - Five (5) Acres
2. Residential Density - One (1) dwelling per lot, except one additional mobile home may be permitted with a Conditional Use Permit.
3. Lot Size and Shape - See Chapter 6, Article 61
4. Building Setbacks and Yards - See Chapter 6, Article 62
5. Building Heights - See Chapter 6, Article 63
6. Distance Between Buildings - See Chapter 6, Article 62
7. Fences, Hedges and Walls - See Chapter 6, Article 64
8. Signs - See Chapter 6, Article 66
9. Access - See Chapter 7, Article 71
10. Parking - See Chapter 6, Article 68
11. Landscaping - See Chapter 6, Article 65.

SECTION 51.004 - RURAL (R-1)

- A. PURPOSE: The purpose of this zone is to establish areas for Rural Residential living styles. These areas allow for the pursuit of limited agricultural activities. These zones also serve to implement the Comprehensive Plan policy calling for buffers between Urban and Agricultural areas.

Typically, the zone is appropriate in rural or semi-rural areas, small family farm areas, and in areas with a pattern of one acre rural residential development. This zone may be applied where existing or proposed public facilities or services are appropriate for a one acre density, or where there is no history of subsurface sewage problems, water problems, or other natural limitations. This zone is intended to implement the Comprehensive Plan designation of rural. This zone may be applied to rural lands, rural communities, and rural service centers.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Single-family residential (on-site construction)
2. Mobile Home (individual)
3. Mobile Home Subdivision
4. Accessory Building (garage, shed for storage of lawn and gardening equipment, wood)
5. Essential Services
6. Plant Cultivation
7. Tree Crops
8. Small Animals
9. Large Animals (not more than 4 animals per acre)
10. Seasonal sale of agricultural products grown or raised on premises

- C. USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT: The following uses are further defined in Chapter 9 of this Code:

1. Multi-family residential
2. Group Care residential
3. Additional Mobile Home
4. Clinic
5. Community Education
6. Community Recreation
7. Postal - Substation
8. Religious Assembly
9. Mobile Home Park
10. Extensive Impact Services, limited to parks, fire stations, utility substations, transmission lines, electrical generating facilities, and ambulance service
11. Cemeteries
12. Kennel
13. Animal Raising - Specialty

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - One (1) Acre
2. Residential Density - One (1) dwelling per lot, except one (1) additional mobile home may be permitted by Conditional Use Permit.
3. Lot Size and Shape - See Chapter 6, Article 61
4. Building Setbacks and Yards - See Chapter 6, Article 62
5. Building Heights - See Chapter 6, Article 63
6. Distance Between Buildings - See Chapter 6, Article 62
7. Fences, Hedges and Walls - See Chapter 6, Article 64
8. Signs - See Chapter 6, Article 66
9. Access - See Chapter 7, Article 71
10. Parking - See Chapter 6, Article 68
11. Landscaping - See Chapter 6, Article 65.

SECTION 51.005 - SUBURBAN RESIDENTIAL (RS)

- A. PURPOSE: The purpose of this zone is to establish suburban areas for residential use which permit the limited maintenance of domesticated animals and the pursuit of limited agricultural activities. This zone serves to implement the Comprehensive Plan Policy calling for Suburban Residential use of 1 to 4 dwelling units per acre. Typically, this zone is appropriate for neighborhoods where the majority of the lots are large enough to maintain domesticated animals.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Single-family residential (on-site construction)
 2. Mobile Home (individual)
 3. Accessory Building (garage, shed for storage of lawn and gardening equipment, wood and animal shelter)
 4. Essential Services
 5. Small Animals
 6. Large animals if lot is over 20,000 square feet; not more than four animals per acre.
 7. Additional mobile home for those persons related to the owner or contractual purchaser, if the lot is greater than 20,000 square feet in area.
- C. USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT: The following uses are further defined in Chapter 9 of this Code:
1. Group Care residential
 2. Large animals if lot is under 20,000 square feet; not more than four animals per acre
 3. Community Education
 4. Community Recreation
 5. Religious Assembly
 6. Additional mobile home for those persons related to the owner or contractual purchaser, if the lot is under 20,000 square feet in area.
 7. Mobile Home Park
 8. Extensive Impact Services, limited to parks, fire stations, utility substations, and ambulance services
 9. Cemeteries
 10. Kennel, if lot size is over 20,000 square feet.
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 10,000 square feet
 2. Residential Density - One (1) dwelling per lot
 3. Building Setbacks and Yards - See Chapter 6, Article 62

4. Building Heights - See Chapter 6, Article 63
5. Lot Size and Shape - See Chapter 6, Article 61
6. Distance Between Buildings - See Chapter 6, Article 62
7. Fences, Hedges and Walls - See Chapter 6, Article 64
8. Signs - See Chapter 6, Article 66
9. Access - See Chapter 7, Article 71
10. Parking - See Chapter 6, Article 68
11. Landscaping - See Chapter 6, Article 65

SECTION 51.006 - LOW DENSITY RESIDENTIAL (RL)

- A. PURPOSE: The purpose of this zone is to establish areas suitable for single family residences and necessary accessory uses. The Low Density Residential zone is intended to implement the Comprehensive Plan designation of a low density residential land use of a density between one (1) and six (6) dwelling units per acre.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Single-family residential (on-site construction)
 2. Essential Services
 3. Accessory uses - garage, shed for storage of lawn equipment, wood, etc.
- C. CONDITIONAL USES:
1. Community Education
 2. Community Recreation
 3. Religious Assembly
 4. Small Animal
 5. Extensive Impact Services, limited to parks, fire stations, utility substations, and ambulance service
 6. Mobile Home
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 5,000 square feet, 1-6 units per acre
 2. Residential Density - One (1) dwelling per lot.
 3. Lot Size and Shape - See Chapter 6, Article 61
 4. Building Setbacks and Yards - See Chapter 6, Article 62
 5. Building Heights - See Chapter 6, Article 63
 6. Distance Between Buildings - See Chapter 6, Article 62
 7. Fences, Hedges and Walls - See Chapter 6, Article 64
 8. Signs - See Chapter 6, Article 66
 9. Access - See Chapter 7, Article 71
 10. Parking - See Chapter 6, Article 68
 11. Landscaping - See Chapter 6, Article 65

SECTION 51.007 - MEDIUM DENSITY RESIDENTIAL (RM)

- A. PURPOSE: The purpose of this zone is to establish areas for single-family and duplex residential dwelling units and necessary accessory uses. The Medium Density Residential zone is intended to implement the Comprehensive Plan designation of a medium density residential land use with a density of five (5) to nine (9) dwelling units per acre.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Single-family residence or duplex (on-site construction)
 2. Essential Services
 3. Mobile Home Park
 4. Accessory Uses - garage, shed for storage of lawn equipment, wood, etc.
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Group Residential
 2. Mobile Home (individual)
 3. Mobile Home (subdivision)
 4. Group Care Residential
 5. Clinic
 6. Community Education
 7. Community Recreation
 8. Cultural Exhibits/Libraries
 9. Religious Assembly
 10. Extensive Impact Services, limited to parks, fire stations and utility substations.
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 4,000 square feet, 5-9 units per acre
 2. Residential Density - One (1) single-family dwelling unit per lot, or one (1) duplex per 8,000 square feet.
 3. Lot Size and Shape - See Chapter 6, Article 61
 4. Building Setbacks and Yards - See Chapter 6, Article 62
 5. Building Heights - See Chapter 6, Article 63
 6. Distance Between Buildings - See Chapter 6, Article 62
 7. Fences, Hedges and Walls - See Chapter 6, Article 64
 8. Signs - See Chapter 6, Article 66
 9. Access - See Chapter 7, Article 71
 10. Parking - See Chapter 6, Article 68
 11. Landscaping - See Chapter 6, Article 65.

SECTION 51.008 - HIGH DENSITY RESIDENTIAL (RH)

- A. PURPOSE: The purpose of this zone is to provide higher concentrations of dwelling units in urban areas where the level of public services can adequately accommodate such development. The High Density Residential zone, which provides for multifamily residential units, is appropriate in areas adjacent to large parks, schools, and major employment centers, and along arterials that can be efficiently served by public transit. This zone is intended to implement the Comprehensive Plan designation of high density residential land use of densities between ten (10) and twenty-four (24) dwelling units per acre.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Family Residential (excluding single-family dwellings)
 2. Group Residential
 3. Essential Services
 4. Accessory Uses - garage, shed for storage of lawn equipment, wood, etc.
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Group Care Residential
 2. Ambulance Services
 3. Clinic
 4. Community Education
 5. Community Recreation
 6. Cultural Exhibits/Libraries
 7. Postal - Substation
 8. Religious Assembly
 9. Administrative Services
 10. Single-Family Residential
 11. Extensive Impact Services, limited to parks, fire stations and utility substations.
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 10,000 square feet, 10-24 units per acre.
 2. Residential Density - One (1) dwelling unit per 2,000 square feet of lot area.
 3. Lot Size and Shape - See Chapter 6, Article 61
 4. Building Setback and Yards - See Chapter 6, Article 62
 5. Building Heights - See Chapter 6, Article 63
 6. Distance Between Buildings - See Chapter 6, Article 62
 7. Fences, Hedges and Walls - See Chapter 6, Article 64
 8. Signs - See Chapter 6, Article 66
 9. Access - See Chapter 7, Article 71

10. Parking - See Chapter 6, Article 68
11. Landscaping - See Chapter 6, Article 65.

SECTION 51.009 - NEIGHBORHOOD COMMERCIAL (CN)

- A. PURPOSE: The purpose of this zone is to provide limited retail commercial goods and services that are highly accessible and convenient for nearby residents. The principal uses would be food and beverage retail sales along with general retail sales. The Neighborhood Commercial zone would be applied to areas serving only a limited local market, and would permit only those uses which did not create, in the adjacent residential areas, increased traffic, noise, or such other impacts incompatible with residential use.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Essential Services
 2. Professional Services
 3. Administrative Services
 4. Food and Beverage Sales
 5. Personal Services
 6. Repair Services
 7. Retail Sales
 8. Postal - Substation
 9. Business Support Services
 10. Barber and Beauty Shop
 11. Communication Services
 12. Single-family residence or mobile home when in conjunction with permitted use.
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Community Recreation
 2. Gasoline Sales (excluding truck stops)
 3. Laundry Services
 4. Eating and Drinking Establishments
 5. Clinic Services
 6. Community Education
 7. Religious Assembly
 8. Extensive Impact
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 2,500 square feet
 2. Lot Size and Shape - See Chapter 6, Article 61
 3. Building Setbacks and Yards - See Chapter 6, Article 62
 4. Building Heights - See Chapter 6, Article 63

5. Distance Between Buildings - As provided by the Uniform Building Code
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.010 - COMMUNITY COMMERCIAL (CC)

- A. PURPOSE: The purpose of this zone is to provide for the establishment of commercial services and goods to conveniently serve the needs of community neighborhoods. The commercial services appropriate in the Community Commercial zone are of a larger scale of operation and serve a larger area than would locate in the Neighborhood Commercial zone. This zone is typically characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic or by a commercial strip along major arterials.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Cultural Exhibits/Libraries
 2. Essential Services
 3. Postal - Substation
 4. Administrative Services
 5. Professional Services
 6. Grooming (Small animals; cats and dogs, etc.)
 7. Parking
 8. Business Equipment Sales
 9. Business Support
 10. Eating and Drinking Establishment (no alcoholic beverages)
 11. Financial, Insurance and Real Estate
 12. Food and Beverage Sales
 13. Medical Services
 14. Personal Services
 15. Repair Services
 16. Retail Sales
 17. Communication Services
 18. Single-family residence or mobile home when in conjunction with permitted use.
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Ambulance Services
 2. Clinic Services
 3. Community Recreation
 4. Civic: Extensive Impact
 5. Agricultural Supply
 6. Automotive and Heavy Equipment: Cleaning
 7. Light Repairs
 8. Gasoline Sales (excluding truck stops)
 9. Participant Sports
 10. Eating and Drinking Establishments (alcoholic beverages)
 11. Spectator sports, entertainment
 12. Community Education
 13. Religious Assembly

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - 2,500 square feet
2. Lot Size and Shape - See Chapter 6, Article 61
3. Building Setbacks and Yards - See Chapter 6, Article 62
4. Building Heights - See Chapter 6, Article 63
5. Distance Between Buildings - As provided by the Uniform Building Code.
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.011 - GENERAL COMMERCIAL (CG)

- A. PURPOSE: The purpose of this zone is to provide the full range of retail goods and services serving a large area. The General Commercial zone is appropriate for large regional shopping centers and central business districts in urban areas.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Administrative Services
 2. Ambulance Services
 3. Clinic Services
 4. Community Recreation
 5. Cultural Exhibits/Libraries
 6. Essential Services
 7. Postal - Substation
 8. Automobile Cleaning
 9. Professional Services
 10. Agricultural Supply
 11. Grooming
 12. Parking
 13. Automotive and Equipment - Light repairs
 14. Farm Equipment, Sales/Rentals
 15. Light Equipment, Sales/Rentals
 16. Building Maintenance
 17. Business Equipment Sales
 18. Business Support
 19. Eating and Drinking Establishments (no alcoholic beverages)
 20. Financial, Insurance and Real Estate
 21. Food and Beverage Sales
 22. Gasoline Sales (excluding truck stops)
 23. Laundry
 24. Medical Services
 25. Retail Sales
 26. Custom Manufacturing
 27. Personal Services
 28. Kennels
 29. Fleet Storage
 30. Horticulture
 31. Communication Services
 32. Veterinary - small animal
 33. Lodging
 34. Warehousing, Storage and Distribution - light
 35. Construction Sales and Service
 36. Single-family dwelling or mobile home when in conjunction with permitted use.

C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:

1. Group residential
2. Extensive Impact
3. Cleaning Services
4. Heavy Repairs
5. Eating and Drinking Establishments (alcoholic beverages)
6. Funeral - Undertaking
7. Participant Sports
8. Research Services
9. Spectator Sports and Entertainment
10. Gasoline Sales (truck stops)
11. Community Education
12. Religious Assembly
13. Veterinary Service (Large Animal)

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - 2,500 square feet
2. Lot Size and Shape - See Chapter 6, Article 61
3. Building Setbacks and Yards - See Chapter 6, Article 62
4. Building Heights - See Chapter 6, Article 63
5. Distance Between Buildings - As provided by the Uniform Building Code.
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.012 - RECREATIONAL COMMERCIAL (CR)

- A. PURPOSE: The purpose of this zone is to provide for large scale recreational facilities that serve a regional area.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Family Residential
 2. Group Residential
 3. Mobile Home Residential - Individual
 4. Administrative Services
 5. Community Recreation
 6. Cultural Exhibits/Libraries
 7. Essential Services
 8. Parking Services
 9. Postal - Substation
 10. Eating and Drinking Establishments (no alcoholic beverages)
 11. Food and Beverage Sales
 12. Gasoline Sales
 13. Golf Courses and Playing Fields
 14. Campground
 15. Horse Keeping
 16. Communication Services
 17. Lodging
 18. Resorts
 19. Retail Sales
- } In conjunction with recreational commercial use.
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Extensive Impact Services
 2. Participant Sports
 3. Spectator Sports and Entertainment
 4. Custom Manufacturing
 5. Eating and Drinking Establishments (alcoholic beverages)
 6. Community Education
 7. Religious Assembly
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 2,500 square feet.
 2. Lot Size and Shape - See Chapter 6, Article 61
 3. Building Setbacks and Yards - See Chapter 6, Article 62
 4. Building Heights - See Chapter 6, Article 63
 5. Distance Between Buildings - As provided by the Uniform Building Code.

6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.013 - TRANSPORTATION COMMERCIAL (CT)

- A. PURPOSE: The purpose of this zone is to provide a limited range of services and retail sales that primarily serves the needs of airport users and employees. Typically, appropriate uses in the Airport Commercial zone would include restaurants, rental car agencies, barbershops, beauty salons, motels and hotels, shipping agencies, and those uses which are neither noise-sensitive nor subject to hazards by reason of attracting large congregations of people.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code. Any lands in this zone falling within the Airport Hazard Area or Airport Noise Area shall be subject to the additional requirements of Sections 81 and 81A of this Code.
1. Administrative Services
 2. Ambulance Services
 3. Essential Services
 4. Parking Services
 5. Postal - Substation
 6. Administrative and Professional Services
 7. Fleet Storage
 8. Heavy Equipment Repairs (aviation related uses)
 9. Heavy Equipment Sales and Rental (aviation related uses)
 10. Light Equipment Rentals - Automobile
 11. Eating and Drinking Establishments (no alcoholic beverages)
 12. Gasoline Sales (excluding truck stops)
 13. Personal Services
 14. Lodging
 15. Wholesaling, Storage and Distribution - Light
 16. Retail Sales
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Eating and Drinking Establishments (alcoholic beverages)
 2. Extensive Impact Services
 3. Airports
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Area - 2,500 square feet
 2. Lot Size and Shape - See Chapter 6, Article 61
 3. Building Setbacks and Yards - See Chapter 6, Article 62
 4. Building Heights - See Chapter 6, Article 63

5. Distance Between Buildings - As provided by the Uniform Building Code.
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65

SECTION 51.014 - HIGHWAY COMMERCIAL (CH)

- A. PURPOSE: The purpose of this zone is to provide commercial services and goods in places conveniently and safely accessible to highways. The primary function of the Highway-Related Commercial zone is to serve automobile-associated travelers and is most appropriate adjacent to freeway interchanges, convenient to freeway ingress and egress, and in areas likely to be developed as freeways, and along federal and state highways.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Administrative Services
 2. Ambulance Services
 3. Clinic
 4. Community Recreation
 5. Essential Services
 6. Medical Services
 7. Postal - Substation
 8. Professional Services
 9. Grooming
 10. Agricultural Supply
 11. Veterinary - Small Animal
 12. Automobile cleaning
 13. Fleet Storage
 14. Parking Services
 15. Automotive and Equipment - Heavy Repairs
 16. Automotive and Equipment - Light Repairs
 17. Farm Equipment, Sales/Rentals
 18. Heavy Equipment, Sales/Rentals
 19. Light Equipment, Sales/Rentals
 20. Building Maintenance
 21. Business Equipment Sales
 22. Business Support
 23. Communications
 24. Construction Sales
 25. Eating and Drinking Establishments (no alcoholic beverages)
 26. Food and Beverage Sales
 27. Gasoline Sales
 28. Repair Services
 29. Retail Sales
 30. Custom Manufacturing
 31. Communication Services
 32. Lodging
 33. Warehousing, Storage and Distribution - Light
 34. Single-family residence or mobile home when in conjunction with permitted uses.
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Extensive Impact
 2. Eating and Drinking Establishments (alcoholic beverages)

3. Participant Sports
4. Spectator Sports and Entertainment
5. Campground
6. Resorts
7. Community Education
8. Religious Assembly
9. Mobile Home Park

D. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - 2,500 square feet
2. Lot Size and Shape - See Chapter 6, Article 61
3. Building Setbacks and Yards - See Chapter 6, Article 62
4. Building Heights - See Chapter 6, Article 63
5. Distance Between Buildings - As provided by the Uniform Building Code.
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.015 - LIGHT INDUSTRIAL

- A. PURPOSE: The purpose of this zone is to provide for areas where manufacturing, storage, sorting, and wholesaling distribution can be undertaken in close proximity to one another without encroaching upon the character of the adjacent land uses. It is not the purpose of the Light Industrial zone to permit the processing of raw materials for shipment in bulk form to be used in an industrial location elsewhere. It is the intent of this zone to implement the Comprehensive Plan designation of a light industrial land use.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Ambulance Services
 2. Essential Services
 3. Parking and Storage
 4. Postal - Substation
 5. Administrative Services
 6. Agricultural Supply
 7. Veterinary - Small Animal
 8. Veterinary - Large Animal
 9. Automobile - Cleaning
 10. Fleet Storage
 11. Parking Services
 12. Heavy Repairs
 13. Light Repairs
 14. Farm Equipment Sales/Rentals
 15. Heavy Equipment Sales/Rentals
 16. Light Equipment Sales/Rentals
 17. Nonoperating Vehicle Storage
 18. Building Maintenance
 19. Business Support
 20. Business Equipment Sales
 21. Communication Services
 22. Construction Sales
 23. Gasoline Sales
 24. Laundry
 25. Repair Services
 26. Research Services
 27. Light wholesaling, storage and distribution
 28. Heavy wholesaling, storage and distribution
 29. Custom manufacturing
 30. General Industrial
 31. Agricultural Packing and Processing
 32. Horticulture

C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:

1. Community Recreation
2. Cultural Exhibits/Libraries
3. Civic: Extensive Impact
4. Highway-Related Commercial
5. Participant Sports
6. Spectator Sports and Entertainment
7. Mineral Exploration and Extraction
8. Scrap Operations
9. Residential Uses Accessory to Light Industrial Uses
10. Commercial Uses Accessory to Light Industrial Uses

D. PROPERTY DEVELOPMENT STANDARDS:

1. No minimum lot size.
2. Lot Size and Shape - See Chapter 6, Article 61
3. Building Setbacks and Yards - See Chapter 6, Article 62
4. Building Heights - See Chapter 6, Article 63
5. Distance Between Buildings - As provided by the Uniform Building Code.
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.016 - HEAVY INDUSTRIAL

A. PURPOSE: The purpose of this zone is to provide for areas where large areas of land are needed for the fabrication, processing, and movement of raw materials and where the potential impacts of noise, odor, vibration, glare, and/or heat are least likely to affect adjacent land uses. The Heavy Industrial zone is intended to implement the Comprehensive Plan designation of a heavy industrial land use.

B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Ambulance Services
2. Essential Services
3. Large Animal Hospital
4. Small Animal Hospital
5. Automobile Cleaning
6. Fleet Storage
7. Parking
8. Automotive and Equipment - Heavy Repairs
9. Automotive and Equipment - Light Repairs
10. Farm Equipment, Sales/Rentals
11. Heavy Equipment, Sales/Rentals
12. Light Equipment, Sales/Rentals
13. Nonoperating Vehicle Storage
14. Building Maintenance
15. Business Equipment Sales
16. Business Support
17. Construction Sales
18. Gasoline Sales
19. Custom Manufacturing
20. General Industrial
21. Wholesaling, storage and distribution (light and heavy)
22. Packing and Storage
23. Automobile Wrecking Yard
24. Permitted uses in Light Industrial
25. Mineral Exploration and Extraction
26. Heavy Industrial
27. Scrap Operations
28. Extensive Impact Services, limited to fire stations, communication structures, and utility substations.

C. CONDITIONAL USES:

1. Civic: Extensive Impact
2. Explosive Storage
3. Animal Waste Processing
4. Residential Uses Accessory to Industrial Uses
5. Commercial Uses Accessory to Industrial Uses

D. PROPERTY DEVELOPMENT STANDARDS:

1. No minimum lot size.
2. Lot Size and Shape - See Chapter 6, Article 61
3. Building Setbacks and Yards - See Chapter 6, Article 62
4. Building Heights - See Chapter 6, Article 63

5. Distance Between Buildings - As provided by the Uniform Building Code.
6. Fences, Hedges and Walls - See Chapter 6, Article 64
7. Signs - See Chapter 6, Article 66
8. Access - See Chapter 7, Article 71
9. Parking - See Chapter 6, Article 68
10. Landscaping - See Chapter 6, Article 65.

SECTION 51.017 - EXCLUSIVE FARM USE - CROPLAND (EFU-C)

- A. PURPOSE: The purpose of the Exclusive Farm Use Cropland zone is to preserve and maintain agricultural lands for farm use, particularly crop and grass lands, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

The Exclusive Farm Use Zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use and compatible non-farm uses.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator where the parcel meets the minimum requirements of Section 51.017E(1).
 2. Worker Residential
 3. Horticulture
 4. Tree Crops
 5. Row and field crops
 6. Animal raising - small animals, large animals, and specialty.
 7. Forestry - not including recreation or processing of forest products.
 8. Essential services
 9. Animal Raising: Aquatic Species - raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.
 10. Seasonal sale of agricultural products grown or raised on premises
- C. CONDITIONAL NON-FARM USES: The following uses are further defined in Chapter 9 of this Code. Approval shall require findings that the use:
- a. Does not interfere seriously with accepted farming practices on adjacent lands;
 - b. wherever possible, use will be situated upon land generally unsuitable for farm use as defined by this Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location;

- c. Wherever possible, use will not be located upon soils classified predominantly as I-IV;
- d. The access shall be designed so as not to interfere with accepted farm practices on surrounding land; and
- e. Complies with such other conditions as the review authority considers necessary.
 - 1. Animal Sales and Service - Auctioning
 - 2. Animal Sales and Service - Stockyard
 - 3. Community Education
 - 4. Community Recreation
 - 5. Religious Assembly
 - 6. Extensive impact services limited to the following: commercial power generating facilities, utility substations and transmission lines, solid waste disposal sites, personal use airports, mineral exploration and extraction, public and private parks, playgrounds, hunting and fishing preserves and campgrounds, golf courses, and fire stations.
 - 7. Horse Keeping
 - 8. Home Occupations
 - 9. Primary processing of forest products - portable or temporary facilities only, subject to annual review and renewal.
 - 10. Agriculture Supplies and Services
 - 11. Veterinary Service - large animal
 - 12. Automotive and equipment repairs, heavy equipment, limited to agricultural machinery and equipment.
 - 13. Automotive and Equipment Sales/Rentals - Farm Equipment
 - 14. Wholesaling, Storage and Distribution - Agricultural Products
 - 15. Packing and Processing of Agricultural Products
 - 16. Animal Waste Processing
 - 17. Animal Sales and Services - Kennels

D. NON-FARM DWELLINGS: Single family dwelling not in conjunction with farm use may be established subject to a Conditional Use Permit and a finding that each such dwelling:

- 1. is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243,
- 2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,
- 3. does not materially alter the stability of the overall land use pattern of the area,

4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and
5. complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

The Conditional Use Permit shall not be final nor shall a building permit for a non-farm dwelling be issued under this section until the applicant provides the Planning Department with evidence that the lot or parcel upon which the dwelling is proposed to be located has been disqualified for valuation at true cash value for farm use and that any additional tax or penalty imposed by the county assessor has been paid.

E. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - No set minimum is established. All partitions in the Exclusive Farm Use Cropland zone shall be subject to review and approval by the Klamath County Board of Commissioners. Partitions shall only be approved upon a finding that they meet the intent of the agricultural land use policy adopted by the Legislative Assembly in ORS 215.243.
 - a. All proposed partitionings of land for agricultural purposes shall meet criteria 1 - 3 or 4 listed below:
 - 1) That the parcel is typical of the size of the surrounding existing commercial farm units.
 - 2) That the parcel is of sufficient size to support the existing commercial production of food or fiber using accepted farm practices as that term is defined in this Code.
 - 3) In determining whether the division is consistent with (1) and (2) above, the reviewing authority shall make findings addressing the following:
 - (a) soil types in the area
 - (b) types of crops grown in the area and typical yields
 - (c) other relevant information included in the agricultural element of the County's Comprehensive Plan
 - (d) the average size of existing commercial farm units and parcel sizes required for the commercial production of the proposed farm use and in the case of agronomic uses, the average size required to produce commercial quantities of typical crops or livestock grown in the area under consideration
 - (e) that the parcel qualifies for assessment at true cash value for farm use under ORS 308.372.

- 4) A proposed partition of land for agricultural purposes may be reduced below the prevailing existing commercial farm units in the surrounding area upon findings that the parcel:

- (a) will be appropriate for the continuation of existing commercial agricultural enterprises in the area;
- (b) will contribute in a substantial way to the existing agricultural economy; and
- (c) will help maintain agricultural processors and establish farm markets;

or the following condition exists:

- (d) the division is necessary in order to establish a commercial, labor-intensive agricultural activity of a type existing in the area and meeting the definition of Farm Use in Article 11.

- b. All proposed partitionings of land for one of the non-farm uses permitted under subsections C and D of this Section shall meet the following criteria:

- 1) The parcel shall be designed to use the least amount of agricultural land consistent with the needs of the proposed use. Wherever possible, land unsuited for crops or livestock shall be used.
- 2) The parcel and the access to it shall be designed so as not to interfere with accepted farm practices on surrounding land.

- 2. Building Setbacks and Yards - See Chapter 6, Article 62
- 3. Building Heights - See Chapter 6, Article 63
- 4. Distance Between Buildings - See Chapter 6, Article 62
- 5. Fences, Hedges and Walls - See Chapter 6, Article 64
- 6. Signs - See Chapter 6, Article 66
- 7. Access - See Chapter 7, Article 71
- 8. Parking - See Chapter 6, Article 68
- 9. Landscaping - See Chapter 6, Article 65.

SECTION 51.018 - EXCLUSIVE FARM USE - CROPLAND/GRAZING (EFU-CG)

- A. PURPOSE: The purpose of this Cropland/Grazing zone is to preserve and maintain agricultural lands for farm use, particularly mixed use areas of grazing, crop and grass lands, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the County and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

The Cropland/Grazing zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use and compatible non-farm uses.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator where the parcel meets the minimum requirements of Section 51.018E(1).
2. Worker Residential
3. Horticulture
4. Tree Crops
5. Row and field crops
6. Animal raising - small animals, large animals, and specialty.
7. Forestry - not including recreation or processing of forest products.
8. Essential services
9. Animal Raising: Aquatic Species - raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.
10. Seasonal sale of agricultural products grown or raised on premises

- C. CONDITIONAL NON-FARM USES: The following uses are further defined in Chapter 9 of this Code. Approval shall require findings that the use:

- a. Does not interfere seriously with accepted farming practices on adjacent lands;
- b. Wherever possible, use will be situated upon land generally unsuitable for farm use as defined by this Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location;

- c. Wherever possible, use will not be located upon soils classified predominantly as I-IV;
- d. The access shall be designed so as not to interfere with accepted farm practices on surrounding land; and
- e. Complies with such other conditions as the review authority considers necessary.

- 1. Animal Sales and Service - Auctioning
- 2. Animal Sales and Service - Stockyard
- 3. Community Education
- 4. Community Recreation
- 5. Religious Assembly
- 6. Extensive impact services limited to the following:
commercial power generating facilities, utility substations and transmission lines, solid waste disposal sites, personal use airports, mineral exploration and extraction, public and private parks, playgrounds, hunting and fishing preserves and campgrounds, golf courses, and fire stations.
- 7. Horse Keeping
- 8. Home Occupations
- 9. Primary processing of forest products - portable or temporary facilities only, subject to annual review and renewal.
- 10. Agriculture Supplies and Services
- 11. Veterinary Service - large animal
- 12. Automotive and equipment repairs, heavy equipment, limited to agricultural machinery and equipment.
- 13. Automotive and Equipment Sales/Rentals - Farm Equipment
- 14. Wholesaling, Storage and Distribution - Agricultural Products
- 15. Packing and Processing of Agricultural Products
- 16. Animal Waste Processing
- 17. Animal Sales and Services - Kennels

- D. NON-FARM DWELLINGS: Single family dwelling not in conjunction with farm use may be established subject to a Conditional Use Permit and a finding that each such dwelling:

- 1. is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243,
- 2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,
- 3. does not materially alter the stability of the overall land use pattern of the area,

4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and
5. complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

The Conditional Use Permit shall not be final nor shall a building permit for a non-farm dwelling be issued under this section until the applicant provides the Planning Department with evidence that the lot or parcel upon which the dwelling is proposed to be located has been disqualified for valuation at true cash value for farm use and that any additional tax or penalty imposed by the county assessor has been paid.

E. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - All partitions in the Exclusive Farm Use zone shall be subject to review and approval by the Klamath County Board of Commissioners. Partitions shall only be approved upon a finding that they meet the intent of the agricultural land use policy adopted by the Legislative Assembly in ORS 215.243.
 - a. All proposed partitionings of land for agricultural purposes shall meet criteria 1 - 3 listed below:
 - 1) That the parcel is typical of the size of the surrounding existing commercial farm units.
 - 2) That the parcel is of sufficient size to support the existing or potential commercial production of food or fiber using accepted farm practices as that term is defined in this Code.
 - 3) In determining whether the division is consistent with (1) and (2) above, the reviewing authority shall make findings addressing the following:
 - (a) soil types in the area
 - (b) types of crops grown in the area and typical yields
 - (c) other relevant information included in the agricultural element of the County's Comprehensive Plan
 - (d) The average size of existing commercial farm units and parcel sizes required for the commercial production of the proposed farm use and in the case of agronomic uses, the average size required to produce commercial quantities of typical crops or livestock grown in the area under consideration
 - (e) that the parcel qualifies for assessment at true cash value for farm use under ORS 308.372.

- b. Parcels below 80 acres in size shall not be created.
 - c. The minimum lot size does not apply to non-farm uses. All proposed partitionings of land for one of the non-farm uses permitted under subsections C and D of this section shall meet the following criteria:
 - 1) The parcel shall be designed to use the least amount of agricultural land consistent with the needs of the proposed use. Wherever possible, land unsuited for crops or livestock shall be used.
 - 2) The parcel and the access to it shall be designed so as not to interfere with accepted farm practices on surrounding land.
- 2. Building Setbacks and Yards - See Chapter 6, Article 62
 - 3. Building Heights - See Chapter 6, Article 63
 - 4. Distance Between Buildings - See Chapter 6, Article 62
 - 5. Fences, Hedges and Walls - See Chapter 6, Article 64
 - 6. Signs - See Chapter 6, Article 66
 - 7. Access - See Chapter 7, Article 71
 - 8. Parking - See Chapter 6, Article 68
 - 9. Landscaping - See Chapter 6, Article 65.

SECTION 51.019 - EXCLUSIVE FARM USE - GRAZING (EFU-G)

- A. PURPOSE: The purpose of this Exclusive Farm Use Grazing zone is to preserve and maintain agricultural lands for farm use, particularly range and grazing uses, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

The Exclusive Farm Use Grazing zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use and compatible non-farm uses.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator where the parcel meets the minimum requirements of Section 51.019E(1).
2. Worker Residential
3. Horticulture
4. Tree Crops
5. Row and field crops
6. Animal raising - small animals, large animals, and specialty.
7. Forestry - not including recreation or processing of forest products.
8. Essential services
9. Animal Raising: Aquatic Species - raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.
10. Seasonal sale of agricultural products grown or raised on premises

- C. CONDITIONAL NON-FARM USES: The following uses are further defined in Chapter 9 of this Code. Approval shall require findings that the use:

- a. Does not interfere seriously with accepted farming practices on adjacent lands;
- b. Wherever possible, use will be situated upon land generally unsuitable for farm use as defined by this Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location;

- c. Wherever possible, use will not be located upon soils classified predominantly as I-IV;
- d. The access shall be designed so as not to interfere with accepted farm practices on surrounding land; and
- e. Complies with such other conditions as the review authority considers necessary.
 - 1. Animal Sales and Service - Auctioning
 - 2. Animal Sales and Service - Stockyard
 - 3. Community Education
 - 4. Community Recreation
 - 5. Religious Assembly
 - 6. Extensive impact services limited to the following: commercial power generating facilities, utility substations and transmission lines, solid waste disposal sites, personal use airports, mineral exploration and extraction, public and private parks, playgrounds, hunting and fishing preserves and campgrounds, golf courses, and fire stations.
 - 7. Horse Keeping
 - 8. Home Occupations
 - 9. Primary processing of forest products - portable or temporary facilities only, subject to annual review and renewal.
 - 10. Agriculture Supplies and Services
 - 11. Veterinary Service - large animal
 - 12. Automotive and equipment repairs, heavy equipment, limited to agricultural machinery and equipment.
 - 13. Automotive and Equipment Sales/Rentals - Farm Equipment
 - 14. Wholesaling, Storage and Distribution - Agricultural Products
 - 15. Packing and Processing of Agricultural Products
 - 16. Animal Waste Processing
 - 17. Animal Sales and Services - Kennels

D. NON-FARM DWELLINGS: Single family dwelling not in conjunction with farm use may be established subject to a Conditional Use Permit and a finding that each such dwelling:

- 1. is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243,
- 2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,
- 3. does not materially alter the stability of the overall land use pattern of the area,

4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and
5. complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

The Conditional Use Permit shall not be final nor shall a building permit for a non-farm dwelling be issued under this section until the applicant provides the Planning Department with evidence that the lot or parcel upon which the dwelling is proposed to be located has been disqualified for valuation at true cash value for farm use and that any additional tax or penalty imposed by the county assessor has been paid.

E. PROPERTY DEVELOPMENT STANDARDS: 160-acre lot size. All

1. Minimum Lot Area - 160 acre lot size. All partitions in Exclusive Farm Use-Grazing zone shall be subject to review and approval by the Klamath County Board of Commissioners. The minimum lot size of 160 acres in this zone meets the intent and criteria of ORS 215.243.
 - a. The minimum lot size does not apply to non-farm uses. All proposed partitionings of land for one of the non-farm uses permitted under subsections C and D of this section shall meet the following criteria:
 - 1) The parcel shall be designed to use the least amount of agricultural land consistent with the needs of the proposed use. Wherever possible, land unsuited for crops or livestock shall be used.
 - 2) The parcel and the access to it shall be designed so as not to interfere with accepted farm practices on surrounding land.
2. Building Setbacks and Yards - See Chapter 6, Article 62
3. Building Heights - See Chapter 6, Article 63
4. Distance Between Buildings - See Chapter 6, Article 62
5. Fences, Hedges and Walls - See Chapter 6, Article 64
6. Signs - See Chapter 6, Article 66
7. Access - See Chapter 7, Article 71
8. Parking - See Chapter 6, Article 68
9. Landscaping - See Chapter 6, Article 65. Revised 5-29-84

SECTION 51.020 - FORESTRY (F)

- A. PURPOSE: The intended purpose of this zone is to preserve and protect lands for continued timber production, harvesting and related uses; conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products.

This zone shall be applied primarily to those lands which are
(1) public or private industry forest lands located generally in very large holdings generally in excess of 1,000 acres,
(2) smaller isolated pockets of land found within these holdings;
and (3) have a predominant timber site productivity rating of I-VI.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Forestry
2. Fish and Wildlife Management
3. Watershed Protection
4. Large Animal Raising - grazing
5. Mineral extraction in conjunction with forestry road construction and maintenance.
6. Participant sports and recreation, limited to hunting, fishing, riding or hiking trails, camping and other uses not involving permanent structures.
7. Residential - single-family, mobile home and worker residential uses as permitted for the owner, family members or employees when accessory and necessary to permitted uses.
8. Airstrips and heliports when needed for timber management and forest firefighting.
9. Public research areas devoted to forestry, wildlife, soil and water conservation, and range management.
10. Essential services

- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 and may be approved subject to findings that they are compatible with and necessary and accessory to the above permitted uses:

1. Primary processing of forest products
2. Administrative Services
3. Fire Stations
4. Animal Sales and Services - Stockyards
5. Automotive and Equipment - limited to the storage, maintenance and repair of logging equipment.
6. Campgrounds
7. Wholesaling, storage and distribution - limited to forest products.

- D. NON-FOREST CONDITIONAL USES - The following uses are further defined in Chapter 9 and may only be approved subject to findings that they are located on land generally unsuitable for timber management and which is not needed for the other forest uses permitted in Section B, or upon approval of an exception to Goal 4 pursuant to ORS 197.732.

1. Mineral and aggregate exploration and extraction.
2. Extensive impact service and utilities limited to power generating plants and transmission lines, communication structures, sewage treatment plants, solid waste disposal site, cemeteries.
3. Resorts or lodges not providing overnight accommodations and which are in conjunction with outdoor recreational activities such as fishing, boating, hunting or skiing.
4. Residential - single-family or mobile home.
5. Animal Raising - Aquatic Species - Raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.

E. CONDITIONAL USE PERMIT CRITERIA

1. The uses conditionally permitted above shall be subject to review in accordance with the following criteria. The review authority must find that each such use:
 - a. is compatible with forest uses;
 - b. does not interfere seriously with the accepted forestry practices on adjacent lands devoted to forest use; and does not significantly increase the cost of forestry operations on such lands;
 - c. does not materially alter the stability of the overall land use pattern of the area;
 - d. is situated on generally unsuitable land for the production of forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract;
 - e. considers forest site productivity, minimizes the loss of productive forest lands; and is limited in size to the area suitable and appropriate to the needs of the proposed use;
 - f. meets the standards relating to the availability of fire protection as set forth in Article 69 of this Code and other rural services and will not overtax those services, and;
 - g. complies with such other conditions as the review authority considers necessary to protect forest uses.

F. REVIEW STANDARDS FOR FOREST DWELLINGS

1. At the time an application is made for a building permit for a residence necessary and accessory to forest use; the applicant shall provide the Planning Department with documentation showing that:
 - a. The applicant needs to live on the property to effectively manage the forest resource,
 - b. The residence is secondary to a commercial forest enterprise on the property;
 - c. The above are supported by a forest management plan which addresses:
 1. The distance to the nearest existing urban or rural residential area,
 2. The activities which will maximize timber production on the property;
 3. The need for the residence to provide protection against vandalism, theft or fire.

G. RESIDENTIAL SITING STANDARDS

1. All dwellings in the forest zone shall be subject to the following standards;
 - a. Fuel breaks between a residence and the forest shall be required.
 1. A fuel break of at least 30 feet shall be maintained around all structures. A fuelbreak may contain ornamental shrubbery, single specimen trees, or similar plants provided they do not provide a means of rapidly transmitting fires from native vegetation to structures.
 2. In areas where slopes exceed 30% a wider fuel-break may be required.
 3. The specific location of the fuel break shall be indicated on a plot plan of the building site to be provided to the County Building Official at the time a building permit is issued and a Certificate of Occupancy will not be issued for the structure until clearing of the fuel break is completed.
 - b. Upon construction of a dwelling within land designated forestry, the home owner shall maintain an adequate water supply and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.

- c. No dwelling shall be located closer than 50 feet from the front property line or 80 feet from the center of the roadway, whichever is greater. No dwelling shall be closer than 100 feet from all other lot lines. The above side and/or rear setback can be decreased to not less than 30 feet at the discretion of the Planning Director if the pattern of parcelization, the natural features of a parcel, the location of access roads and existing dwellings would permit the clustering of dwellings to conserve larger contiguous forested or agricultural areas or where size or shape of the parcel makes the 100 foot setback impractical.

H. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area for Commercial Forest Enterprises - No minimum lot size is established. Any land division proposed under this Section for Commercial Forest Enterprises shall be reviewed for conformance with the following criteria, and shall be processed pursuant to Article 45:
 - a. The proposed parcels are typical of existing commercial forest enterprises within a two mile radius.
 - b. The proposed division is compatible with forest uses in the area and does not interfere with forest practices as defined and regulated under ORS 527.610 to 527.730.
 - c. The proposed division is consistent with the forest use policies as provided in the Klamath County Comprehensive Plan and with ORS 527.630(1).
 - d. The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased roads or other public facilities and services.
 - e. The proposed division provides for resultant parcels of sufficient size to ensure:
 - (1) that forest uses will be the primary use on such lands;
 - (2) that forest practices regulated under ORS 527.610 to 527.730 may take place in a cost effective manner.
 - f. A five year land use management plan for permitted forest uses shall accompany any request for the creation of lots or parcels in such areas. Applicants shall specify the type and amount of timber products to be raised. The plan shall be reviewed and approved by the relevant granting body prior to final approval. The primary emphasis in this zone, however, is the maintenance and enhancement of the forest resource.

- g. If the proposed division is adjacent to an area designated by Klamath County Comprehensive Plan as Agriculture or Forest/Range, the provisions of ORS 215.213(3) may be used to insure compatibility with such adjacent farm uses, so long as the division does not thereby interfere with forest practices regulated under ORS 527.610 to 527.730.
- 2. Minimum Lot Area for Non-Forest Uses - All proposed partitionings of land for one of the non-forest uses permitted under subsections C and D of this Section shall meet the following criteria:
 - a. The parcel shall be designated to use the least amount of forest land consistent with the needs of the proposed use. Wherever possible, land unsuited for forest uses shall be used.
 - b. The parcel and the access to it shall be designed so as not to interfere with accepted forest practices on surrounding land.
- 3. Building Setbacks and Yards - See Chapter 6, Article 62.
- 4. Fences, Hedges and Walls - See Chapter 6, Article 64.
- 5. Distance Between Buildings - See Chapter 6, Article 62.
- 6. Building Heights - See Chapter 6, Article 63.
- 7. Signs - See Chapter 6, Article 66.
- 8. Access - See Chapter 7, Article 71.
- 9. Parking - See Chapter 6, Article 68.
- 10. Landscaping - See Chapter 6, Article 65.
- 11. Fire Safety - See Chapter 6, Article 69.

SECTION 51.021 - FORESTRY/RANGE (FR)

- A. PURPOSE: The purpose of this zone is to promote management and conservation of lands valued primarily as wildlife habitat and rangeland.

This zone shall be applied to those lands located in southern Klamath County which primarily consist of a juniper-sagebrush-bitterbrush vegetation cover, have no forest productivity rating or are predominantly rated as Class VII forest lands, may be significant wildlife habitat, and are areas of mixed BLM and private ownership.

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:

1. Residential - Single family, mobile home, and worker residential uses are permitted for the owner, family members or employees when necessary and accessory to permitted uses.
2. Forestry
3. Large Animal Raising
4. Small Animal Raising
5. Essential Services
6. Participant sports and recreation, limited to hunting, fishing, riding or hiking trails, camping and other uses not involving permanent structures.
7. Fish and Wildlife Management and Watershed Protection
8. Mineral extraction in conjunction with forest road maintenance.
9. Horticulture
10. Row and Field Crops

- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:

1. Civic Use Types - Extensive impact use types, limited to public utility facilities, solid waste disposal sites, sewage treatment plans, communication structures, golf courses, campgrounds, fire stations, public research limited to forestry, agriculture, and wildlife topics, and electrical generating facilities.
2. Participant sport use types, limited to hunting and fishing preserves, firearm and archery ranges, parks and picnic areas, riding and hiking trails and golf courses.
3. Wholesaling, Storage and Distribution - Limited to agricultural and forest products.
4. Animal Sales and Services - Auctioning.

5. Industrial Uses - Limited to the primary processing of forest and agricultural products.
 6. Airports and Heliports - Personal use
 7. Administrative Services - In conjunction with forestry uses.
 8. Mineral and aggregate exploration and extraction.
 9. Cemeteries
 10. Horse Keeping
 11. Feedlots
 12. Kennels - Commercial
 13. Single-family residence not in conjunction with forest use, and when located on non-resource land.
 14. Religious Assembly
 15. Community Education
 16. Animal Raising - Aquatic Species - Raising, keeping and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.
- D. NON-FOREST USES: The non-forest uses conditionally permitted above shall be subject to review in accordance with the following criteria. The review authority must find that each such use:
1. Is compatible with forest uses;
 2. Does not interfere seriously with accepted forestry practices on adjacent lands devoted to forest use;
 3. Does not materially alter the stability of the overall land use pattern of the area;
 4. Is situated on generally unsuitable land for the production of forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract;
 5. Considers forest site productivity and minimizes the loss of productive forest lands;
 6. Meets the standards relating to the availability of fire protection as set forth in Article 69 of this Code and other rural services, and will not overtax those services; and
 7. Complies with such other conditions as the governing body of the County considers necessary.

E. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area - 40-acre minimum lot size. Any land divisions proposed under this section for lands zoned Forestry/Range shall be reviewed for conformance with the following criteria, and shall be processed pursuant to Article 45.
 - a. All proposed partitionings of land for Forestry/Range shall meet the following criteria:
 - 1) The proposed division is compatible with other lands zoned Forestry/Range in the area, does not interfere with forest practices as defined and regulated under ORS 527.610 and 527.730 or with forest uses as defined by Goal 4.
 - 2) The proposed division is consistent with the forest use policies as provided in the Klamath County Comprehensive Plan and with ORS 527.630(1).
 - 3) The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased roads or other public facilities and services.
 - 4) The proposed division provides for resultant parcels of sufficient size to ensure:
 - a) that forest uses will be the primary use on such lands;
 - b) that non-forest uses are necessary and accessory to the primary use as a forest operation;
 - c) that forest practices regulated under ORS 527.610 to 527.730 will not be adversely impacted; and
 - d) that where applicable, the proposed division is consistent with the provisions of Section 83.007.
 - 5) If the proposed division is adjacent to an area designated by Klamath County Comprehensive Plan as Agriculture or Forest, the provisions of ORS 215.213(3) may be used to insure compatibility with such adjacent farm uses, so long as the division does not thereby interfere with forest practices regulated under ORS 527.610 to 527.730.

2. Minimum Lot Area for Non-Forest Uses -

The minimum lot size does not apply to non-forest uses. All proposed partitionings of land for one of the non-forest uses permitted under subsections C and D of this Section shall meet the following criteria:

- a. The parcel shall be designed to use the least amount of forest land consistent with the needs of the proposed use. Wherever possible, land unsuited for forest uses shall be uses.
 - b. The parcel and the access to it shall be designed so as not to interfere with accepted forest practices on surrounding land.
 - c. That where applicable, the proposed division is consistent with the provisions of Section 83.007.
3. Building Setbacks and Yards - See Chapter 6, Article 62
 4. Fences, Hedges and Walls - See Chapter 6, Article 64
 5. Distance Between Buildings - See Chapter 6, Article 62
 6. Building Heights - See Chapter 6, Article 63
 7. Signs - See Chapter 6, Article 66
 8. Access - See Chapter 7, Article 71
 9. Parking - See Chapter 6, Article 68
 10. Landscaping - See Chapter 6, Article 65

F. SETBACKS FOR FIRE SAFETY AND OTHER SITING STANDARDS - The following criteria shall be met:

1. Where possible, residences shall maintain a setback of fifty (50) feet from adjoining property lines (subject to 7(a) below).
2. No dwelling shall be located closer than seventy-five (75) feet from the front property line. Front line setback is measured from the center of the roadway (subject to 7(a) below).
3. Domestic water supplies for all development within the designated zone shall emanate from surface or subsurface water sources contained within the boundary of the property in question.

4. Fuelbreaks between a residence and the forest zone shall be required.
5. The homeowner shall maintain an adequate water supply and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
6. The standards contained in Section 83.010 - Compatibility Siting Criteria for Big Game Winter Range Areas.
7. Residence complied with the following conditions, as the approving authority considers necessary, to conserve resource lands or resolve conflicts between the proposed dwelling and adjacent farm and/or forest uses:
 - a. The dwelling shall be sited no closer than 100 feet from all other lot lines;
 - b. The dwelling is sited on lands least suitable for farm or forest use.

SECTION 51.022 - NON-RESOURCE

- A. PURPOSE: The purpose of this zone designation is to implement the non-resource land use designation of the Comprehensive Plan. These are lands that were found to have a low Forest Site Class potential, are predominantly SCS Soil Capability Class VII and VIII, and are not identified as wildlife or fish habitat, are not necessary for watershed protection or recreational use, are not irrigated or irrigable, and are not necessary to permit farm or forest practices to be undertaken on adjacent or nearby lands.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Single-family Residential
 2. Mobile Home (individual)
 3. Additional Residence for Family Members
 4. Essential Services
 5. Permitted Uses in Agricultural and Forestry Zones
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Horse Keeping
 2. Kennels (commercial)
 3. Cemeteries
 4. Extensive Impact Services
 5. Mineral Extraction
 6. Religious Assembly
 7. Community Education
 8. Community Recreation
- D. PROPERTY DEVELOPMENT STANDARDS:
1. Minimum Lot Size - 20 acres.
 2. Lot Size and Shape - See Chapter 6, Article 61.
 3. Building Setbacks and Yards - See Chapter 6, Article 62.
 4. Building Heights - See Chapter 6, Article 63.
 5. Distance Between Buildings - See Chapter 6, Article 62.
 6. Fences, Hedges, Walls - See Chapter 6, Article 64.
 7. Signs - See Chapter 6, Article 66.
 8. Access - See Chapter 7, Article 71.
 9. Parking - See Chapter 6, Article 68.
 10. Landscaping - See Chapter 6, Article 65.

SECTION 51.023 - OPEN SPACE AND CONSERVATION ZONE (OS&C)

- A. PURPOSE: The purpose of the open space and conservation zone is to protect designated areas of scenic and natural resources; to restrict development from areas with fragile, unusual, or unique qualities; to protect and improve the quality of the air, water and land resources; and to plan development so as to conserve open space. On private lands, this zone shall be applied only to property owned by non-profit organizations dedicated to the protection of areas with fragile or unique scenic or natural qualities.
- B. PERMITTED USES: Those uses which are permitted by Federal and State governments in the following areas:
- Federal: National Parks
National Research Areas
Wildlife Refuges
Designated Wilderness Areas
- State: Wildlife Management Areas
- Private: Lands owned by non-profit organizations (i.e. Nature Conservancy) and dedicated to conservation purposes as outlined above.
- C. PROPERTY DEVELOPMENT STANDARDS: Property development standards shall be determined by the Federal and State Government that would be necessary for the protection of public health and natural resources.
1. Minimum lot size - No minimum lot size.
- D. OS&C - NON-PROFIT BUILDINGS: Buildings in conjunction with OS&C may be established subject to approval by the Planning Director or his designee or a Conditional Use Permit. The reviewing body must make the following findings.
1. Is compatible with OS&C uses as defined in this Code and consistent with the OS&C land use policies;
 2. Does not interfere seriously with accepted farm and forest practices on adjacent lands devoted to those uses;
 3. Does not materially alter the stability of the overall land use pattern of the area and preferably is placed in an inconspicuous location;
 4. Is situated where it will not interfere with wildlife habitat;
 5. Complies with such other conditions as the Board of County Commissioners or its designee considers necessary.

E. PERMITS FOR NON-PROFIT BUILDINGS:

The Conditional Use Permit shall not be final nor shall a building permit for a non-profit building be issued under this section until the applicant provides the Planning Department with evidence that the lot or parcel upon which the building is proposed to be located is in fact to be used primarily for the non-profit organization's activities.

ARTICLE 52 - SPECIAL PURPOSE ZONES

SECTION 52.001 - PLANNED UNIT DEVELOPMENT OVERLAY ZONE

- A. **PURPOSE:** The purpose of the Planned Unit Development zone is to provide opportunities for the innovative development of large areas of land by encouraging their development in a comprehensive, integrated manner, and by allowing modification of the standards for the underlying zone contained in the Land Development Code. The application of the Planned Unit Development zone to a specific geographic area shall be regarded as a change of zone. Upon its approval by the review authority, the Development Plan for the specific Planned Development shall become the basic document for regulating the use and development of the land. It is the further purpose of the Planned Development zone to encourage development which meets two or more of the following objectives:
1. The clustering of development through density transfers in order to preserve a significant amount of open space for use by the residents of the development.
 2. The mixing of residential, civic, commercial, or industrial use types in a manner which reduces dependency on the automobile as the exclusive means of transportation by providing housing, employment opportunities, shopping and personal service facilities, and schools in close proximity to each other.
 3. The mixing of residential, civic, commercial, and industrial use types in order to utilize community-wide energy system technologies such as district heating.
 4. The use of passive and active solar technologies, provided the solar access of these systems is guaranteed as provided by Oregon Law.
- B. **PERMITTED USES:** Any use types which are either permitted or conditionally permitted, as provided by Chapter 5 may be permitted within said Planned Unit Development. All use types which will be included within a Planned Unit Development shall be listed in the Development Plan.
- C. **RURAL DENSITY:** The number of residential units or lots shall not exceed the number that could be allowed for the Planned Unit Development area by the underlying zone. If a Planned Unit Development Overlay Zone is requested and applied to resource zoned land through the goal exception process, the density may be increased to that allowed by other rural, non-resource zones. For Planned Unit Developments in areas with designations other than Urban Residential (UR), Rural Community Residential (RCR), General Commercial (CG), Transportation Commercial (CT) and Industrial (I), the following standards shall apply:

1. The lot area for each residence shall not be less than one acre in size;
2. The overall concentration of clustered dwelling units shall not exceed twenty units within a single cluster; and
3. No two PUD clusters of five or more clustered dwelling units shall be located within 1000 feet of each other.

For the purposes of standards (1) through (3) above, "clustered dwelling unit" means a dwelling unit located on a lot two acres or less in size where the underlying zone district is other than R-1. A proposed PUD which does not comply with standards (1) through (3) above may be approved if an exception to Statewide Planning Goals 11 and 14 is adopted.

- D. RURAL SERVICES: The levels of services appropriate for Planned Unit Developments in rural areas shall be governed by the Comprehensive Plan policies on appropriate levels of services for rural lands.
- E. PROCEDURE: The application of a Planned Unit Development Overlay Zone to lands within Klamath County shall be accomplished through a change of zone designation, as provided in Chapter 4 of this Code; combined with approval of a Concept Plan. The applicant may request that approval of the Development Plan and any related preliminary subdivision or partition plans be considered in the same proceeding.
 1. Prior to submission of an application for a change of zone designation, in order to apply the Planned Unit Development Overlay Zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Subsection F below. Upon receipt of the Concept Plan, the Planning Director shall schedule and hold a Concept Plan Review Conference with the applicant. At said conference, the applicant or his authorized agent shall present the Concept Plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other county or public departments or agencies, may be invited to attend the conference.
 2. The hearing body shall consider the Planned Unit Development Overlay Zone change and Concept Plan applications at the same public hearing, pursuant to the procedures in Chapter 4 for zone designation changes. Approval of the zone change and concept plan shall be subject to the criteria for approval of a zone change found in Chapter 4 and the criteria for Concept Plan approval found in Subsection G. If requested by the applicant, the hearing body shall

consider the Development Plan and any related preliminary subdivision or partition plans at the same public hearing as the zone change and Concept Plan. Approval of the Development Plan shall be subject to the criteria of Subsection J.

3. If approval of the Development Plan is not applied for or obtained concurrently with approval of the zone change and Concept Plan, the applicant must request approval of the Development Plan and any preliminary subdivision or partition plans within one year; provided, however, that if the Development Plan provides for more than one phase of development, only a preliminary subdivision or partition plan for the first phase need be submitted for approval.
4. Development Plans submitted pursuant to Paragraph 3 above shall be considered pursuant to the procedures of Chapter 4 of this Code for zone changes. Approval of Development Plans shall be subject to the criteria of Subsection J.
5. Preliminary subdivision or partition plans for a Planned Unit Development shall be reviewed pursuant to the applicable land division procedures and criteria of Chapter 4 of this Code, and must conform to the approved Development Plan.
6. In the case of land zoned as Planned Unit Development (PUD) as of December 10, 1984, the Planned Unit Development Overlay Zone will be implemented by review and approval of a Concept Plan, Development Plan, and preliminary subdivision or partition plans as provided in Subsections 1-5 of this Subsection.

F. CONCEPT PLAN CONTENT:

1. General Narrative - A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed planned development, including proposed uses and activities, proposed residential densities if appropriate, proposed types and levels of public facilities and services, and physical land alteration required by the development; and the relation of the proposed planned development to the Klamath County Comprehensive Plan.
2. General Site Plan - A generalized site plan showing the entire parcel with schematic indications of approximate locations of buildings, public and private rights-of-way, parking and loading areas, public and private open spaces, walkways, planting areas, etc.

G. CONCEPT PLAN APPROVAL CRITERIA:

1. The level of sewage service is consistent with applicable Comprehensive Plan policies for urban or rural

areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.

2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes (of over 25%), engineering drawings must be submitted to satisfy engineering specifications.

If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.

3. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
 - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
 - b. If the area is to be served by individual wells, and if there is substantial proof that underground water supply will be affected by additional wells being drilled in this area, that mitigating effects are pursued by the developer.
4. Fire Protection - The proposed development must be within a rural fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, and private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.
8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways.

9. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.
10. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e. standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).

H. DEVELOPMENT PLAN CONTENT:

1. Statement of Intent - An overall development scheme which states the development intentions of the landowner respecting his property, including but not limited to the following: A statement of location and intensity of proposed uses and activities, including public and private open spaces; a physical description of proposed facilities accommodating such uses, including types of buildings, structures and landscape, and circulation elements; a statement of location and general configuration of lands to be dedicated for public open space and other public uses; a general designation of utilities; a general statement of form of site management proposed in areas of significant natural resources; and a statement detailing the consistency of the proposed development project with major public development programs, including but not limited to freeways, highways, parks, trails, open spaces, utility transmission lines, and the phased schedules of proposed major public facilities.
2. Supporting Graphics - A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics as a minimum shall indicate: Perimeter boundaries of the site; streets and driveways, sidewalks and pedestrianways, and off street parking and loading areas; location and approximate dimension of buildings and structures; utilization of buildings and structures, including activities and the number of living units; reservations for public uses, including schools, parks, playgrounds, and other open spaces; and major landscaping proposals. The Planning Director may require graphics presenting additional information as he determines is necessary to support the Statement of Intent.
3. Description of Surrounding Area - A set of maps and statement providing information on the character and use of the surrounding area within 250 feet of the limits of the development

4. Background Report - The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the planned development. The contents of the Background Report may include, but are not limited to the following information: A preliminary development schedule including anticipated timing for commencement and completion of each phase of development, tabulation on the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development; a preliminary population schedule, including estimated residential population for the entire project at its completion and for each type of dwelling unit for each phase of development, calculation of the average residential density per gross acre and per net residential acre by phase, and estimated nonresidential uses included in the proposal and sufficient economic data to support inclusion of such nonresidential uses; and engineering feasibility studies.

I. SITE DESIGN AND DEVELOPMENT STANDARDS:

1. The site development standards contained in Chapter 6 for lot size and shape and building setbacks and yards may be waived for a planned development providing that the development plan for Planned Unit Development should indicate where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety and welfare.
2. Standards for roadway improvements in Urban Areas contained in Section 71.009 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads, under the jurisdiction of a Homeowner's Association, shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty (50) feet wide right-of-way, eight (8) inches of base rock, twenty-four (24) feet wide pavement, and two (2) feet wide gravel shoulders for a total improved top width of twenty-eight (28) feet and adequate drainage facilities as required by the County Engineer.
3. Standards for roadway improvements in Rural Areas contained in Section 71.010 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads, under the jurisdiction of a Homeowner's Association, shall meet requirements set by the Planning Commission, subject to a minimum requirement of a fifty (50) feet wide right-of way, twenty-six (26) feet wide sub-grade width and a traveled way twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders

and adequate drainage facilities as required by the County Engineer.

J. DEVELOPMENT PLAN APPROVAL CRITERIA:

1. A development scheme which assures that uses are consistent with the approved geothermal concept plan.
2. The development scheme must assure that specific uses intended for the property are located in the area most suited for that use in a manner compatible with adjacent uses and consistent with the approved geothermal concept plan.

K. AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN:

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director. Minor revisions may be approved ministerially by the Planning Director. Major revisions shall be referred to the Planning Commission for consideration pursuant to the zone change procedures of Chapter 4 of this Code and the approval criteria of Subsection G or J, as appropriate.

L. TIME LIMITS, EXTENSIONS AND REMOVAL OF PLANNED UNIT DEVELOPMENT OVERLAY ZONE:

1. Unless an extension is obtained pursuant to Paragraph 2 of this Subsection, a Planned Unit Development Plan must be submitted for approval within one year of the approval of the Planned Unit Development Concept Plan; and development action, such as construction of capital improvements or sale of land must take place within five years of final approval of the P.U.D. Development Plan.
2. Prior to the expiration date of the time limit for the submission of a P.U.D. Development Plan or for initiation of development action established in Paragraph 1 of this Subsection, a P.U.D. developer may apply for a time extension on forms provided by the Planning Department, accompanied by the fee established by resolution of the Board of Commissioners. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) of such extensions may be granted by the Planning Director upon a written finding that the facts upon which the approval of the Concept Plan or Development Plan, as appropriate, was based have not changed to an extent sufficient to warrant refiling of the Concept Plan or Development Plan and upon a finding that no other development approval would be affected. In no case shall the cumulative length of such extension exceed three (3) years.

3. If a time limit established in Paragraph 1 of this Subsection is not met and no extension is granted pursuant to Paragraph 2 or such extension or extensions expire, the Planning Director shall initiate, pursuant to Chapter 4 of this Code, a zone change proceeding to remove the Planned Unit Development Overlay Zone from the Planned Unit Development site.

SECTION 52.002 - AIRPORT SAFETY AREA - KINGSLEY FIELD

A. There are hereby created and established certain overlying safety zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the City of Klamath Falls Municipal Airport/Kingsley Field. Such zones are shown on the City of Klamath Falls Municipal Airport/Kingsley Field Approach and Clear Zone Plan adopted by the City Council of Klamath Falls, Oregon, on May 17, 1976. An area located in more than one (1) of the following overlying zones is considered to be only in the overlying zone with the more restrictive height limitation. The various overlying zones are hereby established and defined as follows:

1. Precision Instrument Runway Approach Zone - The inner edge of this zone coincides with the width of the primary surface at the end of Runway 32 and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at the horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
2. Nonprecision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface at the end of Runway 14 and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
3. Utility Runway Visual Approach Zone for Runway 7-25 - The inner edge of this approach coincides with the width of the primary surface at the ends of Runway 7-25 and is 500-feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
4. Utility Runway Visual Approach Zone for Runway 18-36 - The inner edge of this approach zone coincides with the width of the primary surface at the ends of Runway 18-36 and is 500-feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
5. Transitional Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they

intersect the horizontal and conical surfaces. Transitional zones for these portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway centerline.

6. Horizontal Zone - The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 14-32, and connecting the arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
7. Conical Zone - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

B. USE RESTRICTIONS

1. Safety Hazards - Notwithstanding any of the provisions of this Code, no use may be made of land or water within any airport safety overlying zone in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.
2. Approach Safety Zone - The approach safety zone coincides with the inner 5,000 feet of the approach zones for runways 14, 7-25 and 18-36, and with the inner 10,000 feet of the approach zone for runway 32 defined in Section 52.002 A. In addition to the height limitations of Section 52.002 C, the following restrictions shall apply in the approach safety zone:
 - a. All development shall be subject to the Conditional Use Permit process.
 - b. Uses attracting large groups of people shall be prohibited.
 - c. Single-family residential use may be permitted at a density no greater than one dwelling per five acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on the date this provision is adopted regardless of the property's size. Multi-family, group residential, or group care residential uses shall be prohibited.

- d. Schools, hospitals, churches and similar civic uses shall be prohibited.

C. HEIGHT LIMITATIONS - Notwithstanding the other provisions of this Code, no structure or tree shall be erected, altered, allowed to grow, or be maintained in the Airport Safety Overlaying Zone to a height in excess of the applicable height limit established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach Zone - This approach surface, which is associated with Runway 32, slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
2. Nonprecision Instrument Runway Approach Zone - This approach surface, which is associated with Runway 14, slopes upward forty (40) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
3. Utility Runway Visual Approach Zone - This approach surface which is associated with Runways 7-25 and 18-36, slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to where it intercepts the horizontal surface at a height of 150 feet above the airport elevation (4,242 feet mean sea level). In any areas where the approach surfaces pass through the conical surface, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

5. Horizontal Zone - One hundred and fifty (150) feet above the airport elevation, or a height of 4,242 feet above mean sea level.
6. Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
7. Applicable Height Limitation - Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

SECTION 52.003 - AIRPORT NOISE AREA - KINGSLEY FIELD

A. APPLICATION

Noise measurements in the vicinity of the Klamath Falls Municipal Airport/Kingsley Field are expressed in terms of day-night average sound level (Ldn) contours. The Ldn contours designated on the Klamath County Comprehensive Plan define bands within which certain uses may be adversely affected by aircraft noise. The purpose of these special standards is to identify uses appropriate within these bands and to specify development standards that ensure the public health, welfare and safety. The contours are derived from the Noise Impact Boundary Study for Kingsley Field, prepared by the Parry Company in December of 1980.

B. PERMITTED AND CONDITIONALLY PERMITTED USES

Uses appropriate for and compatible with airport noise overlying zones are identified in the County Comprehensive Plan. For purposes of convenience, they are reproduced here. If the boundaries of the airport noise overlying zone overlap any portion of a basic zone designation, then said portion shall be subject to the use limitations described by this section. In no case shall the airport noise overlying zone permit a more intensive use than that allowed by the basic zone designation.

1. Area Within the 65-70 Ldn Contours:

- a. Permitted uses include parks, playgrounds, golf courses, riding stables, water-based recreation areas, cemeteries, industrial, and all agricultural use types in accordance with the basic zone designation.
- b. Conditionally permitted uses include single-family and multi-family residential uses, all commercial retail use types, civic and commercial use types, offices, transient habitation lodging use types, and sports arenas and stadiums in accordance with the basic zone designation. Development of any single-family residence shall be limited to a density no greater than one dwelling per five acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on the date this provision is adopted regardless of the property's size.

2. Area Within the 70 and Greater Ldn Contour:

- a. Permitted uses include golf courses, riding stables, water-based recreation areas, cemeteries, industrial, and all agricultural use types in accordance with the basic zone designation.

- b. Conditionally permitted uses include retail use types, civic and commercial use types, offices, and transient habitation lodging use types in accordance with the basic zone designation.
- c. Prohibited uses include permanent residential, community education, religious assembly, cultural exhibits and library services, and any health care related use.

C. MITIGATION OF NOISE IMPACTS

In addition to the standards of the basic zone designation, the following shall be required prior to development approval:

- 1. Insulation required - Applicant shall prepare a plan that will provide for adequate noise insulation. Appropriate criteria, to be determined by the applicant, for attenuation of airport and aircraft noise shall be based on the proposed use and the level of noise it can tolerate without interference or annoyance. Adequate noise insulation shall be installed prior to approval of the final inspection for a building permit.

SECTION 52.004 - AIRSTRIP SAFETY AREAS - CRESCENT LAKE, BEAVER
MARSH, CHILOQUIN AND MALIN

A. AIRSTRIP SAFETY AREAS DEFINED

There are hereby created and established certain overlying safety zones which include all of the land lying within the primary zones, horizontal zones, conical zones, approach zones and transitional zones for the airstrips at Crescent Lake, Beaver Marsh, Chiloquin and Malin. The zones used are as defined in the "Site Study and Airport Master Plan for the Chiloquin Airport" and location and dimensions are as follows:

1. Primary Zone - All land that lies directly under an imaginary primary surface longitudinally centered on the runway and extending 200 feet beyond each end of each runway and maintaining a width of 500 feet.
2. Horizontal Zone - All that land which lies directly under an imaginary surface 150 feet above the airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to these arcs. The radius of each arc is 5,000 feet.
3. Conical Zone - All that land which lies directly under an imaginary conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.
4. Approach Zone - All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines outward and upward at a slope of 20 to 1 for both runways, and expands uniformly to a width of 1,250 feet. The surface extends for a horizontal distance of 5,000 feet outward from the end of the primary surface.
5. Transitional Zone - All that land which lies directly under an imaginary surface extending outward and upward at right angles to the runway centerline and centerline extended at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface.

B. USE RESTRICTIONS

1. Safety Hazards - No use may be made of land or water within any airport safety overlying zone in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.
2. Approach Safety Zone - The approach safety zone coincides with the approach zone as defined above. In addition to the height limitations, the following restrictions shall apply in the approach zone:
 - a. All development shall be subject to the Conditional Use Permit process.
 - b. Uses attracting large groups of people shall be prohibited.
 - c. Single-family residential use may be permitted at a density of no greater than one dwelling per five acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on the date this provision is adopted regardless of the property's size. Multi-family, group residential or group care residential uses shall be prohibited.
 - d. Schools, hospitals, churches and similar civic uses shall be prohibited.

C. HEIGHT RESTRICTIONS

Except as otherwise provided in this ordinance and except as necessary and incidental to airport operations, no structure or tree shall be located, altered, maintained, or allowed to grow in any airspace zone created in Section 81.001B so as to project above any of the imaginary airspace surfaces described in said Section 81.001B hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail. Nothing, however, in this ordinance shall be construed as prohibiting the growth, construction, alteration or maintenance of any tree or structure to a height up to 30 feet above the surface of the land.

SECTION 52.005 - FLOOD HAZARD AREA

- A. PURPOSE: The purpose of this overlying zone is to regulate the development of areas that are subject to flooding, erosion or similar hazards, in order to avoid or reduce losses to life and property.
- B. FLOOD HAZARD AREA DEFINED: The flood hazard area is land within the 100-year flood level as shown on the current Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps prepared under the Federal Emergency Management Agency's National Flood Insurance Program. When base flood elevations have not been provided by these maps, the Planning Director and County Engineer shall obtain, review, and reasonably use any base flood elevation data available from a Federal, State, or other source in order to administer Subsection F, below.

If, in the opinion of the applicant, his property is obviously outside the mapped flood plain, he may request the County Engineer to inspect the property to make a site specific determination as to whether the property is, in his opinion, in the flood plain. The County Engineer may then make that determination. If, in his opinion, the property is in the flood plain or close to the flood plain, he may request the applicant to provide detailed information as provided in this section. (Fees to be established by the County at the appropriate County level.)

1. Floodway - The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot.
 2. Flood Fringe - The area of the 100-year flood plain lying outside of the floodway but subject to periodic inundation from flooding.
- C. DEVELOPMENT REQUIREMENTS: All proposed development that occurs within the flood hazard area is subject to regular review procedures and in addition shall be referred to the County Engineer or Building Officials as provided below:
1. Normal Depth Analysis - A normal depth analysis or other equivalent engineering analysis which demonstrates to the satisfaction of the County Engineer that no structure will be located within the floodway. The following information is required in order to determine the precise location of the floodway:
 - a. Plans drawn to an appropriate scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the floodway.
 - b. A typical valley cross-section showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections

of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile.

- c. A profile showing the slope of the bottom of the channel or flow line of the stream.
2. Structural Plan - Where the data required by the previous subsection indicates that proposed structures are located outside the floodway but within the flood fringe, a structural plan is to be provided for review and approval by the Building Official. The plan is to demonstrate that proposed structures are designed to withstand partial inundation, and that proposed uses will not subject occupants to undue risk of flooding. Such structural plans are to include, where applicable, specifications for building construction, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. Site design standards, if necessary, shall be determined during the review procedure.
3. Permit Review and Record Keeping - The Planning Director shall review development proposals to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.

The following information shall be obtained and maintained by the Planning Director for public inspection:

- a. The elevation above mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure has a basement.
- b. For all new or substantially improved flood-proofed structures, the elevation above mean sea level and the certification of flood proofing as required by Subsection F(2)(b).
- c. All records pertaining to the provisions of this Section.

D. EXEMPTIONS TO FLOOD HAZARD AREA STANDARDS: All uses proposed within a Flood Hazard Overlying Zone are subject to the standards presented herein, except:

1. Temporary Uses - The Planning Department may authorize the construction or placement of a temporary structure or use within a flood hazard area without compliance with these standards, with the approval of the Building Official, provided that the structure or use will not be in place during the period from the beginning of October to the end of May.
2. Emergency Work - Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer is

to be notified, and an application filed with the Planning Department in compliance with the provisions of Section 84.003.

3. Existing Uses - The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this Code is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this Code.

E. SITE DESIGN STANDARDS: The following site design standards shall apply to all land and buildings, except that any lot held under separate ownership or of record on the effective date of this Code, which is substandard in area or dimensions, may be used subject to all other standards:

1. Lot Area, Lot Dimensions, Yards, Building Heights, Distance between Buildings, Signs and Off-Street Parking shall be in accordance with the basic zone requirements.
2. Fences, Hedges and Walls - No fence, hedge, or wall shall be placed to restrict normal or free flow of water or access for maintenance vehicles to the natural water course.
3. Access - Access to area shall be provided as required to permit maintenance of natural resources and shall be subject to the approval of the Public Works Department.

F. CONSTRUCTION STANDARDS:

1. General Standards - In all areas of special flood hazards, the following standards are required:

a. Anchoring -

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

- (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - (iv) any additions to the mobile home be similarly anchored.
 - (3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Building Official that this standard has been met.
- b. Construction Materials and Methods -
- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Utilities -
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Subdivision Proposals -
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

e. Review of Building Permits -

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

2. Specific Standards - In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection B, Flood Hazard Area defined, the following provisions are required:

a. Residential Construction -

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

b. Nonresidential Construction -

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy; and
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Subsection C.

c. Mobile Homes -

- (1) Mobile homes shall be anchored in accordance with Subsection F(1)(a)(2).

- (2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
 - (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - (ii) adequate surface drainage and access for a hauler are provided; and,
 - (iii) in the instance of elevation on pilings, that:
 - lots are large enough to permit steps,
 - piling foundations are placed in stable soil no more than 10 feet apart, and
 - reinforcement is provided for pilings more than 6 feet above the ground level.
 - (3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
3. Floodways - Located within areas of special flood hazard established in Subsection B are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - b. If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection F, Construction Standards.

G. ALTERATION OF WATERCOURSES:

1. Prior to any alteration or relocation of a watercourse, the Planning Director shall notify affected adjacent communities and the State Coordinating Office of the proposed changes. A copy of the notice shall be sent to the Federal Insurance Administration.
2. The altered or relocated portion of any watercourse shall be maintained so that the flood carrying capacity is not diminished.

SECTION 52.006 - GEOTHERMAL OVERLAY ZONE

- A. PURPOSE: The purpose of the Geothermal Overlay Zone is to efficiently use and maximize significant geothermal resources of Klamath County for industrial and commercial processes.
- B. APPLICABILITY: The Geothermal Overlay Zone shall be applied only to land meeting all of the following standards:
1. That all applicable comprehensive plan policies be met with specific consideration of policies numbered Goal #2, Goal #11, Policy #13; Goal #12, Policy #2; Goal #12, Policy #4; Goal #13, Policies #1, #2, and #4.
 2. Data indicating that the quality and quantity of the geothermal resource exists to support the proposed industrial or commercial development.
 3. This overlay zone designation can only be applied to those lands as identified on the Generalized Groundwater Aquifers and Geothermal Resource Map, or where sufficient studies and test wells indicate a significant geothermal resource exists.
 4. That the resource must be used, and used primarily for either industrial or commercial process uses.
 5. That geothermal resource shall be used in accordance with any State or Federal laws in effect. All relevant definitions will be those as listed in State ORS 523.010.
- C. PERMITTED USES: Any use types which are either permitted outright or conditionally permitted as provided by Chapter 5 in the Industrial or Commercial zones shall be permitted provided such uses are primary geothermal process users. All use types which will be included within a Geothermal Overlay Zone shall be listed in the Development Plan.
- D. CONDITIONAL USES: Residential and convenience commercial uses when secondary to an industrial or commercial geothermal process use will be permitted conditionally. Such uses are permitted within the Geothermal Overlay Zone when they are found to be (1) necessary for the housing of an employee, employees and their families of an identified process use, and (2) a necessary convenience commercial service as support for existing geothermal process use. Commercial and residential uses which are secondary to industrial or commercial process uses may be allowed subject to the following:
1. Any request to develop secondary residential or convenience commercial uses shall identify the specific industrial or commercial geothermal process use or uses for which the residential and convenience commercial uses are necessary, and shall be supported by appropriate documentation showing

that the number of residential units proposed or that the type of commercial uses is necessary, based on the following:

a. Residential

1. The employment level of the process uses, and
2. The availability of other housing and vacant residential land within a reasonable commuting distance.

b. Convenience Commercial

1. The employment level of the process use or uses, and
 2. The availability of other commercial land within a reasonable commuting distance, and
 3. The number of approved residential dwellings found necessary to support proposed or existing geothermal process uses.
2. The geothermal concept plan may identify the amount and locations of secondary residential or convenience commercial uses to be developed; however, no land division for residential or commercial uses shall be approved until after issuance of building permits for the process use or uses to which the residential or commercial uses are identified as secondary. No building permits for secondary residential or convenience commercial shall be issued until building permits for industrial or commercial geothermal process use have been issued and construction has commenced.

E. PROCEDURE: The application of a Geothermal Overlay Zone to lands within Klamath County shall be accomplished through a change of zone designation, as provided in Chapter 4 of this Code; combined with approval of a Concept Plan. The applicant may request that approval of the Development Plan and any related preliminary subdivision or partition plans be considered in the same proceeding. If the Geothermal Development Plan contains more than one phase, only the preliminary plat for the first phase needs to be presented for review.

1. Prior to submission of an application for a change of zone designation in order to apply the Geothermal Overlay Zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Subsections F and G below. Upon receipt of the Concept Plan, the Planning Director shall schedule and hold a Concept Plan Review Conference with the applicant. At said conference, the applicant or his authorized agent shall present the Concept Plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend and, at the discretion of and

as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

2. The hearing body shall consider the Geothermal Overlay Zone change and Concept Plan applications at the same public hearing, pursuant to the procedures in Chapter 4 for zone designation changes. Approval of the zone change and concept plan shall be subject to the criteria for approval of a zone change found in Chapter 4 and the criteria for Concept Plan approval found in Subsection G. If requested by the applicant, the hearing body shall consider the Development Plan and any related preliminary subdivision or partition plans at the same public hearing as the zone change and Concept Plan. Approval of the Development Plan shall be subject to the criteria of Subsection H.
 3. Approval of Development Plans shall also be subject to the criteria of Subsection N.
 4. Preliminary subdivision or partition plans shall be reviewed pursuant to the applicable land division procedures and criteria and must conform to the approved Development Plan.
 5. In the case of land zoned Geothermal as of December 10, 1984, the Geothermal Overlay Zone will be implemented by review and approval of a Concept Plan, Development Plan, and preliminary subdivision or partition plans as provided in Subsections 1-5 of this Subsection.
- F. CONCEPT PLAN: Prior to submission of an application for a change of zone designation, the prospective applicant shall submit to the Planning Director a Geothermal Concept Plan addressing the requirements of F and the standards in G below. Upon receipt of a concept plan satisfying one and two below, the Planning Director shall schedule and hold a concept plan review with the applicant. At said conference, the applicant or his authorized agent shall present the concept plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend, and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

The Planning Director will schedule a public hearing for a plan amendment, zone change, and if applicable, an exception to statewide planning goals provided the proposed concept plan contains the necessary information. Land designated with a Geothermal Overlay Zone in accordance with Section 52.006 of the Land Development Code will not be implemented until the development plan has received approval.

1. DESIGN TEAM:

The concept plan and development plan must have stamped or have written approval from at least three of the five following professional disciplines:

- (1) Registered Architect;
- (2) Registered Landscape Architect;
- (3) Registered Engineer;
- (4) Land Use Planner, APA or AICP;
- (5) Registered Land Surveyor.

2. CONCEPT PLAN:

The following information must be submitted within the concept plan:

- a. General Narrative - A generalized narrative describing the:
 - (1) Location of the site;
 - (2) Its total acreage;
 - (3) The existing character, use of the site;
 - (4) Uses of Adjoining properties;
 - (5) Concept of the proposed development, including:
 - (a) Proposed uses and activities;
 - (b) Physical land alteration required by the development; and
 - (c) A detailed description of how the geothermal resource is to be used.
- b. General Site Plan - A generalized site plan showing the entire parcel with schematic indications of approximate locations of:
 - (1) Buildings, including all industrial structures;
 - (2) Public and private rights-of-way;
 - (3) Parking and loading areas;
 - (4) Public and private open spaces; and
 - (5) Circulation plan.

G. APPROVAL OR DENIAL OF THE CONCEPT PLAN IS SUBJECT TO THE FOLLOWING STANDARDS:

The Concept Plan shall be approved or denied based on the following findings of fact:

1. The level of sewer service is consistent with applicable Comprehensive Plan policies for urban or rural areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.
2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes (of over 25%), the requirements of Article 72--Site Drainage and Grading must be met.

If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.

3. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
 - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
 - b. If the area is to be served by individual wells, a hydrology report by a registered engineer shall be submitted, showing that the quality and quantity of water on the property are adequate to serve the proposed development.
4. Fire Protection - The proposed development must be within a fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, or private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.

8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways. Compliance with the provisions of Article 83--Significant Resource Area, shall be required.
 9. Land Use Conflicts Relating to Industrial/Commercial and Residential Mixes - Would additional residential development create a significant economic hardship on surrounding industrial or commercial development? If so, additional residential development may be denied.
 10. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.
 11. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e., standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).
 12. Siting Standards -
 - a. In order to conserve resource lands or to resolve conflicts between the proposed process or residential uses and adjacent farm and/or forest uses and wildlife areas, the reviewing authority may require:
 - (1) The process or residential uses be sited no closer than 100 feet from all other lot lines;
 - (2) The buildings are sited on lands least suitable for farm or forest use;
 - (3) The standards contained in Section 83.010--Compatibility Siting Criteria for Big Game Winter Range Areas shall apply, if applicable.
 - b. Where possible, process or residential uses shall maintain a setback of fifty (50) feet from adjoining property lines (subject to a(1) above).
 - c. No dwelling shall be located closer than seventy-five (75) feet from the front property line. Front line setback is measured from the center of the roadway (subject to a(1) above).
- H. DEVELOPMENT PLAN: This plan may be submitted at the time the Concept Plan is submitted. If not, it must be submitted prior to actual development.

Approval of the development plan will be made by the Planning Director if there is no major or minor partition or subdivision requested within the development plan or any substantial change from the approved concept plan.

Development plans which propose major or minor partitioning or subdivision or which propose a substantial change from the approved concept plan will be processed pursuant to Chapter 4 of the Land Development Code. Approval or denial of the development plan shall be based on a finding that the following standards have been satisfied:

1. A development scheme which assures that uses are consistent with the approved geothermal concept plan;
2. The development scheme must assure that specific uses intended for the property are located in the area most suited for that use in a manner compatible with adjacent uses and consistent with the approved geothermal concept plan.

Information necessary to evaluate the development plan is as follows:

1. Narrative:

- a. A statement of location and intensity of proposed uses and activities, including:
- b. Public and private open spaces;
- c. A physical description of proposed facilities accommodating such uses, including types of buildings, structure;
- d. Landscaping;
- e. Circulation plan;
- f. Statement of location and general configuration of lands to be dedicated for public open space;
- g. Other public uses, general description of utilities, general statement of form of site management proposed in areas of significant natural resources;
- h. A statement detailing the consistency of the proposed development project with major public development programs, including, but not limited to, freeways, highways, parks, trails, open spaces, utility transmission lines;
- i. The phase schedules of proposed major public facilities;
- j. Schools, fire protection, police protection, sanitary and water facilities;

- k. Where possible, buildings situated on least productive soils;
 - l. Geothermal process temperature needs of the proposed use(s);
 - m. Transportation, shipping, and utility needs of the proposed use(s); and
 - n. Land area needs (developed, expansion, and support areas).
- 2. Supporting Graphics - A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics as a minimum shall indicate: Perimeter boundaries of the site, streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas; location and approximate dimensions of buildings and structures; utilization of buildings and structures; reservations for public uses, parks, and other open spaces; and major landscaping proposals. The Planning Director may require graphics presenting additional information as he determines is necessary to support the Statement of Intent.
 - 3. Description of Surrounding Area - A set of maps and statement providing information on the character and use of the surrounding area.
 - 4. Background Report - The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the development. The contents of the Background Report shall be determined during the Concept Plan Review Conference, and may include, but is not limited to, the following information: A preliminary development schedule including anticipated timing for commencement and completion of each phase of development, tabulation on the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses; engineering feasibility studies must also be submitted.

I. APPLICATION FOR SITE DESIGN AND DEVELOPMENT STANDARDS:

- 1. The site development standards contained in Chapter 6 for lot size and shape and building setbacks and yards may be waived in a Geothermal Designation providing that the development plan indicates where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety, and welfare.

2. Standards for roadway improvements in urban areas contained in Section 71.009 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty (50) feet wide right-of-way, eight (8) inches of base rock, twenty-four (24) feet wide pavement, and two (2) feet wide gravel shoulders for a total improved top width of twenty-eight (28) feet, and adequate drainage facilities as required by County Engineer.
3. Standards for roadway improvements in Rural Areas contained in Section 71.010 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission subject to a minimum requirement of a fifty (50) feet wide right-of-way, twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders and adequate drainage facilities as required by the County Engineer.

J. AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN:

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director. Minor revisions may be approved by the Planning Director. Major revisions shall be referred to the Planning Commission for consideration pursuant to the zone change procedures of Chapter 4 of this Code and the approval criteria of Sections F or G, as appropriate.

1. Definitions:

a. "Minor Revision" means a change which:

- (1) Does not increase residential densities;
- (2) Does not enlarge the boundaries of the approved plan;
- (3) Does not change any use;
- (4) Does not change the general location or amount of land devoted to a specific land use, including open space;
- (5) Does not eliminate the preservation of a significant landscape feature; and
- (6) Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.

b. "Major Revision" is any change which does not meet the definition of a "Minor revision."

CHAPTER 6
PLANNING DEPARTMENT
SITE DESIGN AND DEVELOPMENT STANDARDS
ARTICLE 60 - BASIC PROVISIONS

SECTION 60.001 - PURPOSE

The purpose of this chapter is to establish standards for the design and development of sites in order to protect the public health, safety and welfare.

SECTION 60.002 - APPLICATION

The standards established in this chapter shall apply to all development in Klamath County.

SECTION 60.003 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

As used in this chapter, urban area means any property or lands located within an Urban Growth Boundary established by a Comprehensive Plan. Rural area means all other property or lands.

SECTION 60.004 - STANDARDS PROVIDED

This chapter provides standards for the following:

- A. Lot size and shape.
- B. Building setbacks and yards.
- C. Building heights.
- D. Fences, hedges, and walls.
- E. Landscaping.
- F. Signs.
- G. Archaeological resources.
- H. Off-street parking and loading facilities.
- I. Fire safety.

ARTICLE 61 - LOT SIZE AND SHAPE

SECTION 61.001 - LOT SIZE AND SHAPE

The lot size, shape and orientation within all subdivisions or partitions shall be appropriate for the location of the subdivision or partition and for the type of development and use contemplated.

- A. Lot Width - Each lot shall have a minimum width of fifty (50) feet, unless otherwise required by this Code.
- B. Lot Depth - Each lot shall have a minimum depth of one hundred (100) feet, except for the RM zone where lot depth may be a minimum of eighty (80) feet.
- C. Lot Area - Each lot shall have a minimum area as required by zone except where public utility facilities are to be placed, then no lot size is required.
- D. Corner Lot - Corner lots shall have a minimum width of sixty (60) feet to permit appropriate building setbacks from and oriented to both streets.
- E. Lot Depth to Width Ratio - No lot or parcel depth shall be more than two and one-half (2½) times the average width. This requirement may be waived by the reviewing authority.
- F. Island Lots - Divisions of land to create island lots shall be prohibited unless special circumstances warrant such division.
- G. Orientation of Side Property Line - As far as practical, the side property line of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.
- H. Minimum Standards - These minimum standards apply except in the following:
 - 1. In subdivisions or partitions that will not be served by public sewers and central water supply systems, the lots or parcels shall be a minimum of one (1) acre in area. Department of Environmental Quality approval of a minimum one (1) acre lot size will depend upon the percolation tests, topography, groundwater table and nature of the soil.
 - 2. Where property is zoned or deeded for business or industrial use, other widths and area may be permitted. 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, as prescribed in Article 68, Section 68.002.

3. Any parcel of land which is described by a subdivision of the section of which it is a part, or by a government lot number and by the original General Land Officer survey containing the minimum acreage required by zoning, shall be considered to meet the minimum lot size regardless of what a later, more accurate survey may reveal. Any parcel which has an existing State, County or public roadway or easement, or right-of-way, out of any or all boundaries, shall by definition be considered to meet the minimum lot size.

SECTION 61.002 - FLAG LOTS

- A. The use of panhandle or flag lots as a means of access for a partition or subdivision shall be permitted only where:
 1. The "flagpole" shall not exceed in length 2.5 times the average lot width, excluding the flagpole, or twice the depth of the lot, whichever dimension is the lesser.
 2. The "flagpole" shall maintain a constant minimum width or thirty (30) feet.
 3. The natural grade of the "flagpole" shall not be so steep as to prevent the construction of a driveway with a grade not exceeding 12 percent.
 4. The "flagpole" shall be parallel to the closest existing lot line.
 5. The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure or fill or culvert to carry residential traffic, according to standards established by the County.
- B. The use of panhandle or flag lots as a means of access for a partition or subdivision shall be subject to the following conditions:
 1. No more than one parcel or lot shall be permitted to the rear of another parcel or lot, which fronts on a county approved road. Both parcels or lots shall meet all applicable requirements of zoning.
 2. The flagpole strip shall be conveyed with the ownership of the rear lot or parcel and shall be considered a permanent part of that lot or parcel. No redivision or property line adjustment shall be allowed to alter the status of the driveway unless other access, meeting all the requirements of county law, is first provided.
 3. Two adjoining flag lot divisions shall not be allowed where their driveways are abutting. Where one flag lot is preexisting, the adjoining lot or parcel shall not be divided into a flag lot shape with an abutting driveway.

4. A flag lot division shall not be approved which would create a flagpole that would be generally parallel to a public or private road, unless the flagpole is separated from the road by not less than two hundred seventy-five (275) feet. This standard may be modified where unique topographic conditions exist which would effectively prevent access from the proposed lot(s) or parcel(s) to the existing private or public road.
5. Access to the rear lot or parcel shall be by way of the panhandle portion of that lot or parcel, as recorded.
6. The requirements of the zoning ordinance relative to access and other requirements shall be observed.

ARTICLE 62 - BUILDING SETBACKS AND YARDS

SECTION 62.001 - PURPOSE

The purpose of requiring yards are to provide for yard area around structures to ensure adequate privacy, desirable and safe visibility and outlook from nearby roads and buildings; natural light, ventilation, and sunlight; access to and around buildings; buffering between uses; and space for landscaping, gardening, and recreation.

SECTION 62.002 - EXEMPTION TO YARD STANDARDS

The minimum yard requirements of this Code apply to all uses except the following:

- A. Fences, hedges or walls six (6) feet or less in height above the finish grade of the site, when located in a required side or rear yard.
- B. Fences, hedges or walls three (3) feet or less in height, when located in a required front yard.
- C. Decks, terraces, steps, earthworks and other similar landscaping elements or architectural features which are placed directly upon the finish grade and do not exceed an average height of thirty (30) inches above the surrounding finish grade, provided that no such wood structure is to extend no more than four (4) feet into a required front yard, two (2) feet into a required side yard, or four (4) feet into a required rear yard.
- D. All common wall constructions.
- E. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, sunshades, gutters, and other similar architectural features may project not more than three feet into the required yard, except that no such feature shall be closer than two (2) feet to a lot line.

SECTION 62.003 - FRONT YARDS

The front yard is measured at right angles from the nearest point on the front property line to the building line.

- A. Residential Uses
 - 1. R-5, R-1, and Suburban Residential zones shall have a minimum front yard of twenty-five (25) feet.
 - 2. Low Density, Rural Community Residential, Medium and High Density Residential zones shall have a minimum front yard of twenty (20) feet.

3. The above standards shall apply, except as follows:

- a. The front yard is to be a minimum of twenty (20) feet for any legally-created lot with a depth less than ninety (90) feet.
- b. The front yard for a lot with a fee-ownership access strip extending from a public street to the buildable area of the lot is to be measured from the point where the access strip meets the bulk of the lot, to establish a building line parallel to the lot line nearest to the public street.
- c. In any case where the elevation of the natural grade on a lot at a point fifty (50) feet from the centerline of the adjacent street right-of-way is seven (7) feet above or below the elevation of the centerline, a private garage may be located, at the discretion of the applicant, as close as five (5) feet to the street property line, provided that portions of the dwelling other than the garage are to be established at the front yard depth otherwise required.
- d. Where lots comprising of fifty percent (50% or more of the block frontage are developed with a front yard less than the depth required herein, the average of such existing front yards shall establish the front yard for the remaining lots in the block frontage; however, in no case shall such front yard be less than fifteen (15) feet.

B. Commercial and Industrial Zones

1. Commercial and industrial zones shall have a minimum front yard of twenty-five (25) feet, except:
 - a. Where the adjacent and adjoining properties are of a similar use type in which case the minimum front yard may be reduced to ten (10) feet.
 - b. Where the uses adjacent to a Heavy Industrial zone are residential or agricultural, in which case the minimum front yard shall be at least seventy-five (75) feet.
2. Required front yards in commercial and industrial zones shall be used for landscaping and limited parking. Where possible, parking will be provided adjacent to the sides and rear of buildings.

C. Agriculture, Forestry, and Non-Resource Zones - There shall be a minimum front yard of twenty-five (25) feet.

D. Double Frontage Lots

1. Where double frontage yard locations are not specified by subdivision map requirement or other applicable regulations, the applicant may select the street for the front yard unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation, all remaining lots are to orient their front yards the same as the majority.

SECTION 62.004 - SIDE YARDS

The side yard is measured at right angles to the side property line to form a line parallel to the side property line, which extends between the front and rear yard areas. The minimum side yard is to be as follows:

- A. General Side Yard Requirements - These requirements apply except where otherwise provided by this section.
 1. For lots of one (1) acre or more in area, ten (10) feet.
 2. For lots less than one (1) acre in area, five (5) feet.
 3. Buildings greater than one story in height shall have side yards increased two and one-half (2½) feet for each story or fraction thereof above the first story.
- B. Corner Lots - The side yard on the street side of the corner lot is to be a minimum of ten (10) feet, except that:
 1. In R-5, R-1, or Suburban Residential zones, side yards shall be a minimum of fifteen (15) feet.
 2. A lot having width less than fifty (50) feet is to be provided a minimum side yard of five (5) feet.
- C. Accessory Buildings - Accessory buildings as herein permitted, greater than 14 feet in height, shall meet required side yard setbacks of the applicable zone. A side yard may be used for an accessory building no greater than 14 feet in height provided it is either:

1. Located no closer than five (5) feet to any property line, except for corner lots, where no accessory building is permitted in the required side yard abutting the street, or
 2. Established on the property line as a common wall structure pursuant to Subsection F of this section, or as a zone lot line structure pursuant to Subsection G of this section, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.
- D. Commercial and Industrial Zones - No side yard shall be required in the Commercial or Industrial zones except.
1. As required for corner lots by Subsection B of this section; or
 2. Where a side yard is required by the Uniform Building Code; or
 3. When the commercial or industrial site abuts a residential, agricultural, or forestry zone, the side yard abutting the residential, agriculture, or forestry zone is to be a minimum of twenty-five (25) feet and is to be increased one (1) foot for each three (3) feet of commercial or industrial building height above twelve (12) feet.
- E. Agricultural, Non-Resource, and Forestry Zones - A minimum side yard of fifteen (15) feet shall be required.
- F. Common Wall Development - Any two dwelling units, and/or their accessory garages, may be constructed on adjoining lots without yards between them provided that:
1. The yard has been eliminated through site plan approval;
 2. A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
 3. The side yards opposite the common wall property line are not less than two (2) times the minimum width required by this section.
- G. Zero Lot Line Development - A group of dwelling units on adjoining lots may be established so that all units abut one side property line, provided that:
1. The yard has been eliminated for an entire block through site plan approval;

2. The modified yard requirements for the block are recorded as part of a land division map, deed restriction, or other enforceable restriction;
3. The side yard is not to be eliminated or reduced on the street side of a corner lot; and,
4. The side yards opposite the zero yard property line are not less than two (2) times the minimum width required by this section.

SECTION 62.005 - REAR YARDS

The rear yard is measured at right angles to the rear property to form a line parallel to the rear property line.

A. Residential Zones

1. There shall be a minimum rear yard of twenty-five (25) feet in R-5, R-1, and Suburban Residential zones.
2. There shall be a minimum rear yard of twenty (20) feet in Rural Community Residential, Low, Medium, and High Density Residential zones.

B. Accessory Building - As herein permitted, accessory buildings may be located in a rear yard of a residential zone provided that the accessory building is no greater than 14 feet in height and is located no closer than five (5) feet from the rear property line. Accessory buildings as herein permitted, greater than 14 feet in height, shall meet required rear yard setback requirements of the applicable zone.

C. Commercial Zones - There shall be no minimum rear yard in commercial zones except as follows:

1. Where the rear property line abuts an alley, the rear yard is to be at least five (5) feet.
2. Where the rear property line abuts a residential, agricultural, or forestry zone, the rear yard is to be a minimum of fifteen (15) feet. The minimum rear yard is to be increased one (1) foot for each three (3) feet of commercial or industrial building height above twelve (12) feet. The required rear yard may be used for parking, storage, or landscaping.

D. Industrial Zones - There shall be no minimum rear yard requirements in industrial zones, except:

1. Where the rear property line abuts an alley or railroad right-of-way, in which case the rear yard is to be a minimum of five (5) feet; unless the alley provides vehicular access to the interior of the

building, in which case the minimum rear yard is to be ten (10) feet.

2. Where the rear property line abuts a residential, agricultural use or forestry zone, in which case the rear yard is to be as specified in Subsection C.2. of this section.

E. Agriculture, Non-Resource, and Forestry Zones - There shall be a minimum rear yard of twenty-five (25) feet in the Agriculture, Non-Resource, and Forestry zones.

SECTION 62.006 - Interior

Detached buildings located on the same site are to be separated as follows:

- A. Accessory Buildings - An accessory building is to be located no closer than six (6) feet from any principal building; except when the accessory building is a stable, barn, pen, corral, or other structure that contains or shelters livestock or other animals, in which case the accessory building shall be located no closer than fifty (50) feet of any dwelling or other building used for human habitation.
- B. Residential Buildings - A principal residential building (including a multifamily dwelling) is not to be located closer to another principal building than ten (10) feet, or one-half ($\frac{1}{2}$) the height of the taller of the two buildings, whichever is greater. Common wall construction is exempt from this setback requirement.
- C. Non-Residential Buildings - As provided by the Uniform Building Code.

SECTION 62.007 - RIPARIAN SETBACK STANDARDS

Riparian areas along Class I streams and rivers and surrounding significant wetland and surface water areas shall be subject to a one hundred (100) foot setback, and riparian areas along Class II streams shall be subject to a fifty (50) foot setback for all development and potentially conflicting uses, and a one hundred (100) foot setback for septic tank drainfields unless the Planning Director or his designee finds after consultation with the Oregon Department of Fish and Wildlife or the County Health Department respectively that such a setback is unnecessary as a mitigation measure for the protection of the resource, or unless the Oregon Department of Fish and Wildlife and applicant agree on an acceptable management plan.

Measurement of stream setback shall be the horizontal distance from the mean high water line. In instances where the mean high water line cannot be readily established and controversy exists, the Watermaster shall be called upon to resolve the matter.

A. Riparian Setback Requirement Exceptions -

1. Residential lots of record or approved subdivision lots granted an exception which have a lot depth which precludes compliance with the setback standards of this section shall be exempt from the strict application of these standards. Such structures shall be setback the maximum practicable distance.
2. If existing structures do not meet setback standards, additions may meet the same setback as the existing structure but may not exceed the setback of the existing structure.
3. Public uses, such as bridges for public roads, shall be allowed within the setbacks stated in this section provided that adverse impacts are mitigated.
4. Structures necessary to make use of a water right.

B. Criteria for Reduction of Setback Standards - Exceptions to riparian setback standards may be granted when the Planning Director finds after consultation with the Oregon Department of Fish and Wildlife or after review under Article 43 that:

1. The character and size of the proposed development and its potential for adverse impacts on the water resource, fish or wildlife habitat area, or fish or wildlife species is minimal and therefore the setback area may be reduced.
2. The topography of the area precludes the necessity of the riparian setback since topography protects the water resource, fish or wildlife habitat area, or fish or wildlife species from the detrimental impact of the proposed use.
3. The type and density of the existing vegetation is such that the width of the setback may be reduced without disturbing the critical habitat value, water quality or wildlife species.
4. The type and stability of soils will preclude erosion.
5. The reduction of the setback will have no significant or cumulative negative impacts on the water resource or wildlife habitat provided by the riparian area.

C. Water Dependent Uses - Water dependent commercial and industrial uses and private boat docks, marinas, and boat ramps, which are proposed in waters solely under county jurisdiction shall be subject to the approval

of the Planning Director or his designee after consultation with the Oregon Department of Fish and Wildlife and other appropriate agencies who must concur that such a use will not negatively impact the resource, or after review under Article 44, Conditional Use Permit. Both ministerial review and quasi-judicial review shall consider review criteria of Section 44.003 and Section 62.007 B.

ARTICLE 63 - HEIGHTS

SECTION 63.001 - PURPOSE

The purpose of the following sections is to limit the height of structures as needed to support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas.

SECTION 63.002 - MEASUREMENT OF HEIGHT

The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the finish grade.

SECTION 63.003 - HEIGHTS

The maximum height for new structures is to be as follows, unless such structures are located in the Airport Hazard Area in which case the height limitations prescribed in Section 52.002(c) shall govern.

<u>Zone</u>	<u>Maximum Height (feet)</u> <u>Above Average Grade</u>
Residential	35
Neighborhood Commercial	20
Community Commercial	35
General Commercial, Highway-related	50
Airport, Recreation	
Light Industrial	50
Heavy Industrial	150
Exclusive Farm Use, Forestry	35

SECTION 63.004 - EXEMPTIONS TO HEIGHT LIMITATIONS

- A. Downhill Lot - Where the average front-to-back slope of a lot is greater than one (1) foot of fall in seven (7) feet of distance from the centerline of the street to the rear face of the proposed building, up to ten (10) feet may be added to the rear building face, which is to be excluded from the height measurement.
- B. Uninhabited Structures - The height limits specified in Subsection A of Section 63.003 do not apply to the following structures (measurement of height is to be from the ground). The structures below or other similar structures may be erected above the height limitation herein prescribed provided that they shall be safely erected and maintained at such heights in view of surrounding conditions and circumstances. No building or roof structure or any space above the building height limitation shall be allowed for the purpose of providing additional living or floor space.

1. Radio and television receiving antennas of the type customarily used for home radio and television receivers, when fifty (50) feet or less in height.
2. Transmitting antennas used for licensed amateur (ham radio operators) when fifty (50) feet or less in height.
3. Flagpoles fifty (50) feet or less in height.
4. Grain elevators, silos, water tanks, windmills, barns and all other structures not containing residential uses located in the Exclusive Farm Use or Forestry zones, provided that they be located a distance from the property line at least equal to their height.
5. Chimneys extending no more than three (3) feet above the height limit.

ARTICLE 64 - FENCES, HEDGES AND WALLS

SECTION 64.001 - PURPOSE

The purpose of establishing standards for fences, hedges, and walls are to protect certain uses from intrusion, to protect the public from uses which may be hazardous, and to increase compatibility between different land uses by visual screening.

SECTION 64.002 - REQUIRED AND PERMITTED FENCES, HEDGES AND WALLS

- A. Visual Obstruction Prohibited - No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic, and the provisions of Article 64 shall apply.
- B. Front Lot Lines - Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within front property lines, provided they do not obscure vision, except that fences, hedges, and walls may be six (6) feet in height if they are constructed of open mesh or materials that do not obscure vision.
- C. Side and Rear Lot Lines - Fences, hedges, and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines of interior and corner lots, except that they shall not be located closer than ten (10) feet to the side property line of a reverse corner lot.
- D. Side and Rear Lot Lines of Nonresidential Uses - The side and rear property lines of all non-residential uses shall be screened as follows:
 - 1. When abutting a residential or agricultural use of zone, a solid wall or fencing not exceeding six (6) feet in height shall be located on side and rear property lines of any non-residential use or land use zone.
 - 2. A wall or screened fencing not exceeding six (6) feet in height shall be located on the side and rear property lines of any site within the industrial and commercial use or zone which abuts another land use type or zone.
- E. Swimming Pools - Yard areas containing private swimming pools shall be fenced to discourage unsupervised access and use by small children. Such fencing may be a minimum of six (6) feet high and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured.

F. Mechanical Equipment - When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

1. Roof-mounted equipment shall be screened by architectural features from the view of abutting streets.
2. Equipment at grade when located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, by a wall or fencing from the view of the street or surrounding properties.

G. Outdoor Storage - Outdoor storage in commercial or industrial zones shall be screened on all sides by a wall or fencing to the height of the stored items, but in no event to exceed twelve (12) feet.

H. Public Utility Substations - Public utility substations shall be screened on all sides by screening or fencing.

SECTION 64.003 - HEIGHT EXEMPTIONS

A. Security Fencing - Security fencing consisting of chain link fencing or similar material may be permitted at a height in excess of height limitations provided herein provided the:

1. Security fencing shall not exceed height limitation for fences when located in the required front yard.
2. Security fencing shall not be constructed of materials to form a solid barrier.
3. Security fencing shall in no event exceed twelve (12) feet in height.

B. Play Area Fencing - Fences constructed of chain link fencing or the like that enclose game or play areas may be permitted at a height in excess of the height limitations herein provided that:

1. Fencing shall not exceed height limitations when located in the required front yard.
2. Fencing shall not be constructed of materials to form a solid barrier.
3. Fencing shall in no event exceed twelve (12) feet in height.

- C. School Grounds Fencing - Fences constructed of chain link fencing or similar materials that enclose school grounds may be permitted at a height in excess of the height limitations provided herein, but in no event shall exceed twelve (12) feet in height.

SECTION 64.004 - SCREENING MATERIALS

Where screening is required to be a wall or fence, the following materials may be substituted, except where screening is required adjacent to a residential use or zone.

- A. Landscape Screen - Screening plant materials may be substituted for a wall or fence, where:
 - 1. The applicant agrees in writing to install solid fencing after the expiration of thirty-six months, in the event that the landscaping has not totally blocked the view of areas required to be screened.
- B. Berms - A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of 3:1, with side slopes designed and planted so as to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. The berm is to be planted with shrubs or lawn.
- C. Slatted Chain-Link Fencing - Chain-link fences with slats may be substituted for a wall or fence in an industrial zone, except where screening fencing is required adjacent to another land use zone.

ARTICLE 65 - LANDSCAPING

SECTION 65.001 - PURPOSE

The purposes of landscaping are to enhance the appearance of structures and properties, to provide visual privacy, to provide areas on sites which can absorb rainfall and reduce stormwater runoff, and to improve the visual environment.

SECTION 65.002 - REQUIRED LANDSCAPING

- A. Landscaping shall be provided for sites where the following uses occur:
 - 1. Industrial Use Types - As defined by Article 94.
 - 2. Commercial Use Types - As defined by Article 93.
 - 3. Mobile Home Parks Use Types - As required by Article 84.
 - 4. Civic Use Types - As defined by Article 92.
 - 5. Residential-Multiple Family, Group and Group Care - As defined by Article 91.
 - 6. Planned Unit Development - As required by Section 52.001.
 - 7. Geothermal Resource Area - As required by Section 52.006.
- B. Landscaping shall not be located within public right-of-ways except in cases where there is a designated planting area in the right-of-way or when approval has been granted by the Director of Public Works (or his designee) or other responsible agency (e.g. State Highway Department).
- C. Landscape screens, where required, shall comply with the applicable provisions of Sections 64.004 - Screening Materials.

SECTION 65.003 - LANDSCAPING PLANS

- A. PURPOSE - The purpose of a landscaping plan is to identify the placement and type of plant materials as features of project design. By detailing the plantings and method of irrigation proposed, landscaping plans provide an effective means for evaluating whether chosen plant materials will survive in the climate and soils of a given site; satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time; and whether plantings will ensure safe pedestrian and auto traffic circulation.
- B. WHERE REQUIRED - Landscaping plans are required to accompany all applications for Site Plan, Concept Plan, and Development Plan approval for the uses listed in Section 65.002.

C. LANDSCAPING PLAN REVIEW

1. Landscaping plans shall be processed and reviewed as specified in Article 41 - Site Plan Approval.

D. LANDSCAPING PLAN CONTENT - Landscaping plans are to be neatly and accurately drawn, at an appropriate scale which will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscaping plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans are to show:

1. Property and lot boundaries and right-of-ways.
2. The location of all trees existing in or within 50 feet of areas proposed for grading or other construction. Trees to be removed are to be identified.
3. Any shrubs or plants identified as endangered or to otherwise be protected.
4. Structures and impervious surfaces.
5. Plant material and locations whether existing or to be planted. Where necessary, a schedule listing the common and botanical names of plants may be required.
6. Details and location of proposed fencing, entries, parking and circulation provisions, trash collection areas and free-standing signs.
7. Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment.
8. Outdoor light fixtures, including their location and height.
9. Irrigation system.

SECTION 65.004 - STANDARDS FOR LANDSCAPING MATERIALS

Where landscaping is required by Section 65.002, the materials used are subject to the following provisions:

A. Allowable Materials - Landscaping shall include some combination of the following materials, where appropriate, to achieve the intended or required purpose of the landscaping (e.g. screening, etc.):

1. Trees, shrubs, groundcover, vines, flowers or lawns;

2. Natural features, such as rock or stone outcrops;
 3. Structural features including fountains, pools, art work, walls and fences.
- B. Excluded Materials - Landscaping proposed to satisfy the requirements of this Code shall not include:
1. Plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of existing public or private under- or above-ground electrical lines, cables, or conduits, pipes or other utilities; or public or private sidewalks, curbs, gutters or paved parking and turn-around areas, drainage improvements, or adjacent structures, foundations, or landscape materials.
 2. Any species of Poplars (Populus), Willows (Salix), Elms (Ulmus), and Box Elders (Acer Negundo).
 3. Conifers, fruit trees, or nut trees within designated planting areas located in public right-of-ways.

SECTION 65.005 - PLANTING AND MAINTENANCE

A. Developed Site Area -

For purposes of this Section, "Developed Site Area" shall be defined as the square footage of the area indicated on the plot plan minus the ground floor area of the building(s). At a minimum, the area indicated on the plot plan shall include the area required for parking, ingress and egress, setback areas and other areas which may be required as a condition of site plan approval, which are part of the ownership.

Landscaping proposed to satisfy the minimum area percentage standards listed in this Section shall not include landscaping required as a screen or buffer pursuant to Section 64.004, or as a condition of land use approval.

B. Minimum Area Requirement - New Construction

Landscaping shall be provided as follows:

1. Industrial Use Types - 2 percent of the developed site area.
2. Commercial Use Types - 5 percent of the developed site area.
3. Civic Use Types, Mobile Home Parks, Multiple Family, Group and Group Care - 10 percent of the developed site area.

4. Planned Unit Development and Geothermal Resource Area - The review procedure and development standards for landscaping shall be as specified in the approval of the Planned Unit Development or Geothermal Resource Area Development Plan and in no instance shall be less than that required for equivalent use types listed in this Section.

C. Minimum Area Requirements - Additions

1. Additions to use types defined in Section 65.002 shall provide landscaping as follows:
 - a. Industrial Use Types - 2 percent of the addition's total square footage.
 - b. Commercial Use Types - 5 percent of the addition's total square footage.
 - c. Civic Use Types, Mobile Home Parks, Multiple Family, Group and Group Care - 10 percent of the addition's total square footage.
 - d. Planned Unit Development and Geothermal Resource Area - Landscaping shall be provided as required for equivalent use types listed in this Section.

D. Installation

1. Required landscaping shall be installed within fifteen (15) months after occupancy. Extensions of time may be granted by the Planning Director if good faith efforts are being made to complete the required work.

E. Maintenance

1. All required planting shall be maintained by the owner in good growing, neat, clean, and aesthetic condition, and in any case where a required planting has not survived, shall be replaced as soon as is practical with new plant materials similar to that which died.

F. Exemptions

1. Exemptions from the requirements of Section 65.005 may be granted by the Planning Director on a case by case basis.

ARTICLE 66 - SIGNS

SECTION 66.001 - PURPOSE

The purpose of these sections is to establish sign regulations within Urban Growth Boundaries, Rural Community Boundaries and for commercial and industrial zones which are intended to:

- A. Establish a comprehensive system for the regulation of signs;
- B. Support the use of signing to aid orientation, identify business and activities, express local history and character, or serve other information purposes;
- C. Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character, and type of lighting compatible with the appearance of the buildings and uses in the vicinity;
- D. Support the use of signing which is maintained in a safe and attractive condition which does not:
 1. Create distractions which may jeopardize pedestrian or vehicular traffic safety; or
 2. Produce glare which adversely affects residential uses;
- E. Preserve and enhance the county's environment.

SECTION 66.002 - APPLICATION

No person shall place, erect, construct, or otherwise maintain any signs which are not in compliance with the provisions contained in this Code or any other applicable ordinance or statute. Signs permitted by this Code shall meet minimum standards to safeguard life, health, property, and public welfare as prescribed by the Uniform Sign Code, in addition to those standards required by this Code.

SECTION 66.003 - EXEMPT SIGNS

The provisions of this Code pertaining to signs shall not apply to the following signs unless otherwise indicated herein:

- A. Directional, warning, or information signs required or authorized by law which are erected by federal, state, county, or municipal officials.
- B. Official notices issued by a court or public body or office and posted in the performance of a public duty.

- C. Danger signs, railroad crossing signs, and signs of public utility companies indicating danger and aids to service or safety.
- D. House numbers.
- E. "No trespassing", "no parking", and similar warning signs.
- F. Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs.
- G. Signs on licensed commercial vehicles, provided such vehicles are not used or intended for use as portable signs.
- H. Signs which are not intended to be viewed from public streets and are not legible therefrom nor from adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks, and similar uses of a recreational or entertainment nature.
- I. Signs in support of political candidates may not exceed ten (10) days after Election Day.

SECTION 66.004 - NONCONFORMING SIGNS

Any sign or advertising structure which shall become non-conforming due to the provisions of this Code, may be continued as any other non-conforming use. Any changes in the sign, other than minor changes needed to protect public health and safety, shall be permitted only if they bring the sign closer to conformity with the provisions of this Article.

SECTION 66.005 - GENERAL SIGN STANDARDS

The following provisions shall apply to the erection and maintenance of all signs:

A. Safety

1. No signs or advertising structures shall be permitted within any road right-of-way.
2. Any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal or which makes use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic shall be prohibited.

- ##### B. Maintenance
- All signs and advertising structures shall be maintained in a neat, legible, and orderly condition. In

the event that a use having signing is discontinued for a period exceeding six (6) months, all signs identifying the use and associated structures are to be removed from the site, or in the case of painted signs, painted out.

- C. Illumination - Illuminated signs are to be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign or internal to it, in such a manner as to prevent glare and annoyance to the public. Signs consisting of any flashing component are to be prohibited, where they are visible from any street or highway.

SECTION 66.006 - MEASUREMENT OF SIGN AREA

For the purpose of evaluating whether a sign is in conformity with the provisions of this Code, the area of a sign is to be measured as the number of square feet of the smallest rectangle within which a single sign face can be enclosed, as follows:

- A. Sign Faces Counted - Where a sign has two faces containing sign copy which are oriented back-to-back, the area of the sign is to be measured using one sign face only if the two faces are of equal area; or if the faces are of different size, only the area of the larger face shall be measured.
- B. Wall-Mounted Letters - Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is to be measured as the number of square feet for the smallest rectangle within which all the letters can be enclosed.
- C. Three-Dimensional Signs - Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects, or sculptural or statue-type trademarks, the sign area is to be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

SECTION 66.007 - PERMITTED SIGNS

Signs are permitted in the locations indicated in the Table "Permitted Sign Location and Size," provided that the total combined square footage of signs does not exceed the maximum size areas indicated in the table and provided that they satisfy the requirements of Subsections A through E of this section and of Section 66.005. For purposes of convenience, the table is listed separately; however, it is a part of the Land Development Code and all references to the Code include it. Signs classified as exempt signs by Section 66.003 shall be permitted in all zones.

- A. Directional signs shall offer direction and orientation to the location of facilities on the premises, provided such signs are located on the subject property.
- B. Identification signs may be used to indicate the name, address, nature, operation, or permitted home occupation of the premises on which it is located.
- C. Signs offering premises for sale or rent or notices of vacancy shall be posted on the subject lot or on a building thereon by the owner or his authorized agent. In residential zones, no more than one (1) such sign shall be posted for each street frontage. In commercial zones, no more than one (1) sign shall be posted for each unit.
- D. Window and A-frame signs may be posted in industrial zones to advertise sale of products available from the premises, provided:
 1. Such products are available and located on subject property;
 2. Total area of such signs shall not exceed twenty-five percent (25%) of the window area; and
 3. Such signs shall be affixed to the interior window surface.
- E. Temporary Signs
 1. Such signs may be placed within any required yard provided said signs are not located nearer to any property line than five (5) feet to any property line.
 2. Such signs which denote the architect, engineer, owner and contractor, may be placed upon the site of any building or structure under construction, alteration, or in the process of being located, provided that such signs be no more than twenty (20) square feet in area and that they shall be removed from the premises upon completion of construction, alteration, or relocation of the building or structure.
 3. Temporary signs shall meet all requirements of the Uniform Sign Code.
- F. Off Premise Signs -
 1. Business Identification Signs - a sign not exceeding sixteen square feet that identifies a business and displays only information necessary to adequately describe the business and the direction and distance to the business.
 - a. Eligibility - a business identification sign will be permitted only for those activities located away from an arterial or collector road where the business and its on-premise signs are not visible from the arterial or collector road.

- b. Location - business identification signs may be located only in the commercial or industrial zones and must be within three road miles from the activity identified on the sign.
 - c. Number - for any single business or activity, not more than two business identification signs shall be permitted.
 - d. Content - the only information which may be contained on a business identification sign is the name of the activity, a trademark or logo, and the direction or distance to the activity.
2. Bench Signs - an outdoor advertising sign forming the backrest of a bench.
- a. Location - bench signs must be located at a bus stop on a transit system bus route.
 - b. Size - the maximum allowable size is sixteen square feet and the sign shall not exceed two feet in height or eight feet in length excluding supports. The top of a bench sign shall not be higher than four feet.
3. Outdoor Advertising Signs - a sign advertising goods, products or services which are not sold, manufactured or distributed at the premises on which the sign is located or which advertises facilities not located on the premises on which the sign is located.
- a. Location - outdoor advertising signs must be located in an industrial or commercial zone and shall be within 750 feet of a developed commercial or industrial area as measured parallel to the centerline of the highway. For the purposes of this section, a "developed commercial or industrial area" shall include only the land occupied by a building, parking lot, storage or processing area of a commercial or industrial use on the same side of the highway as the sign. The minimum spacing between signs shall be five hundred feet.
 - b. Size - an outdoor advertising sign shall not exceed a length of 24 feet, a height of 12 feet, and a sign area of 350 square feet. In determining the dimensions or area of a sign under this section, cutouts that project beyond the borders of a sign shall be included in measuring the area of a sign but not its height or length. The sign area of cutouts shall be no more than 20 percent of the sign to which attached.
- G. Animated signs are allowed.

PERMITTED SIGN LOCATION AND SIZE
(Total Combined Square Feet of Signs)
(Part of Section 66.007)

ZONES

SIGN	Residential					Commercial					Industrial Agricultural				
	NR	RS	RL	PUD		CN	CC	CG	CR	CT	CH	IL	IH	ALL	
	R-5	R-1	RCR	RM	RH										
Directional Signs	-	-	-	-	-	10	20	20	20	20	20	20	20	-	-
Identification Signs	6	6	6	6	36	80	100	300	50	300	300	100	100	50	50
Name Plates	1	1	1	1	-	-	3	3	-	3	3	3	3	3	3
Signs offering premises for sale or rent, or notice of vacancy	6	6	4	4	36	6	6	20	-	6	6	6	6	6	6
Animated Signs	-	-	-	-	-	-	A*	A*	-	A*	A*	A*	A*	-	-

* = Allowed

SECTION 66.008 - HEIGHT LIMITATIONS

The height of any sign or sign support structure is to be a maximum of twenty-five (25) feet above the average ground elevation beneath the sign, or no higher than the building or structure which is located on the same premises as the sign, whichever is less, except as follows:

- A. A freeway oriented sign may be increased by no more than ten (10) feet than would otherwise be permitted.
- B. Community identity signs that identify a community, its civic, fraternal, and religious organizations, or its slogan or motto, shall not exceed a height of twenty (20) feet above the average ground elevation beneath the sign.

ARTICLE 68 - PARKING AND LOADING

SECTION 68.001 - OFF STREET PARKING SPACES AND LOADING FACILITIES

No parking or loading area or parking spaces provided for the purpose of complying with the provisions of this Code shall hereafter be eliminated, reduced or converted in any manner below the requirements established in this Code, unless equivalent facilities are provided elsewhere in conformity with the provisions of this Article.

- A. Eligibility of Street Parking Spaces - Parking Spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.
- B. Computation Rule for More than One Use in a Structure - In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.
- C. Shared Parking Facilities - Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provide that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- D. Computation Rule for Fractions - If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half ($\frac{1}{2}$) or more, an additional space shall be required; if such fraction is less than one-half ($\frac{1}{2}$) it may be disregarded.
- E. Computation Rule Based on Number of Employees - When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaging in the specified activity on the lot during the largest shift of the peak season.
- F. Computation Rule Based on Number of Seats - When the parking requirement is based on the number of seats, each 20 inches of pews or similar facilities shall be counted as one seat.
- G. Computation Rule Based on Number of Students - When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.

H. Nonspecified Number of Parking Spaces - When a required number of parking spaces is not specified for a particular use or facility, the Planning Director shall prescribe a number of parking spaces or loading berths based on a determination of the traffic generation of the activity, the amount of frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the appeal procedures commencing as defined in Article 33.

SECTION 68.002 - REQUIRED OFF-STREET PARKING SPACES

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this Code. Standards for number of required parking spaces are presented in the Table of Off-Street Parking Requirements which is listed separately. The table is a part of the Land Development Code and all references to this Code include it.

SECTION 68.003 - PARKING FACILITIES FOR THE PHYSICALLY HANDICAPPED

Public accommodations or facilities, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, shopping centers, and office buildings shall provide one parking space for the physically handicapped for each fifty (50) spaces in parking lots of twenty (20) or more spaces and post on such space a permanent sign in accordance with the Manual of Traffic Control Devices (Federal Highway Administration). Furthermore, handicapped spaces are to be located nearest to the main pedestrian access point from the parking area to the building or use served by the parking.

SECTION 68.004 - REQUIRED LOADING FACILITIES

The following provisions shall apply to all loading facilities:

- A. The minimum area required for loading spaces shall be no less than two hundred fifty (250) square feet each where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.
- B. The minimum area required for loading spaces shall be not less than five hundred (500) square feet each where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.
- C. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each where the gross floor area of all buildings on a lot or parcel of land exceeds fifty (50,000) square feet.
- D. The minimum required loading area shall be not less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.
- E. The required loading area shall be easily accessible from a street, highway or area.

SECTION 68.005 - PARKING DESIGN STANDARDS

All off-street parking areas are to be designed and improved as set forth in this Section.

- A. Parking space dimensions - All off-street automobile parking spaces are to be a minimum of nine (9) feet by twenty (20) feet in size.

TABLE OF OFF-STREET PARKING REQUIREMENTS
(Part of Section 68.002)

<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Residential</u>		
Permanent Family	2 for each dwelling unit, plus	
Group	1 for each guest room; for dormitories, 1 for each 100 square feet of floor area	
Mobile Home	2 for each trailer site	1 for each 2 trailer sites
Group Care	1 for each 2 employees	
Rest Homes	1 for each 2 employees	1 for each resident
<u>Civic</u>		
Administrative Services	1 for each 2 employees, plus 1 for each company vehicle	1 for each 400 sq. ft. of gross floor area
Ambulance Services	1 for each 2 employees OR	4 for the first 5,000 sq. ft. of floor area and 1 for each 2,000 sq. ft. of gross floor area thereafter, whichever is greater
Clinic Services	1 for each 2 employees	5 for each staff or regular visiting doctor
Community Education		
Nursery School	1 for each 2 employees	
Primary and Secondary Education		2 per classroom and such additional parking as required for places of public assembly
Colleges and Universities		1 for each 5 full time students; 1 for each full time faculty
Community Recreation		1 for each 3 fixed seats and 1 for each 21 sq. ft. of seating area where there are no fixed seats

Table of Off-Street Parking Requirements (Continued)

<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Civic (Continued)</u>		
Cultural Exhibits and Library	1 for each 2 employees	1 for each 600 sq. ft. in gross floor area
Essential Services	none	none
Extensive Impact Services		
Airport	1 for each 2 employees	1 for each 3 departing passengers based on average travel day
Amusement Park/Fairground	1 for each 4 employees	1 for each 75 sq. ft. of exhibit and amusement area
Auditoriums	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 75 sq. ft. of seating area not containing fixed seats
Bus Terminal	1 for each 2 employees	1 for each 10 departing passengers based on average travel day
Hospital		1 1/2 for each patient bed
Public Utility Facilities	1 for each 2 employees and 1 for each company vehicle	
Rail Station	1 for each 2 employees	1 for each 10 departing passengers based on average travel day
Sports Arena/Stadium	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 75 sq. ft. of seating area not containing fixed seats
Postal Services	1 for each 2 employees and 1 for each company vehicle	1 for each 100 sq. ft. of customer service area
Religious Assembly		1 for each 29 fixed seats or 1 for each 450 sq. ft. of gross floor area, whichever is greater

Table of Off-Street Parking Requirements (Continued)

<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Commercial</u>		
Administrative and Professional Offices	1 for each 2 employees	1 for each 450 sq. ft. of gross floor area
Agricultural Supplies and Services	1 for each 300 sq. ft. of ground floor area, 1 for each 600 sq. ft. of other floors, 1 for each 500 sq. ft. of covered accessory storage area, plus one for each 1,000 sq. ft. of outdoor sales area	
Animal Sales and Services	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Automotive & Equipment:		
Repairs, Heavy	1 for each 2 employees OR	1 for each 800 sq. ft. of gross floor area, whichever is greater
Repairs, Light	1 for each company vehicle and one for each 2 employees	1 for each 100 sq. ft. of auto service area
Farm Equipment	1 for each 2 employees OR	1 for each 800 sq. ft. of gross floor area, whichever is greater
Sales/Rental, Heavy	1 for each 200 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 300 sq. ft. of covered accessory storage area, plus 1 for each 2,000 sq. ft. of outdoor sales area	
Sales/Rental, Light	1 for each 2 persons employed	1 for each 500 sq. ft. of showroom area plus 1 for each 10 vehicles displayed (or stored)
Building Maintenance	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Business Equipment Sales/Service	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Business Support	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Communications	1 for each 200 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 300 sq. ft. of covered accessory storage area, plus 1 for each 2,000 sq. ft. of outdoor sales area	

Table of Off-Street Parking Requirements (Continued)

Construction, Sales/Services	1 for each 2 employees and 1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Eating and Drinking Establishments	1 for each 2 employees	1 for each three fixed seats and 1 for each 21 sq. ft. of seating area where there are no fixed seats
Financial, Insurance, Real Estate	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Food & Beverage Retail Sales	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Funeral and Interment Services	1 for each 2 employees, plus 1 for each company vehicle	1 for each 4 seats in all assembly rooms
Gasoline Sales	1 for each 2 employees	
Laundry Services	1 for each 2 employees plus 1 for each company vehicle	
Medical Services	1 for each employee or physician	1 for each 150 sq. ft. of gross floor area
Participant Sports and Recreation Golf Courses		Ten per hole, one for each 21 sq. ft. of building floor area used for public assembly and 1 for each 400 sq. ft. of building floor area for other commercial purposes
Bowling Alleys	1 for each employee	Three for each bowling lane
Skating Rinks, Ice or Roller		1 for each three fixed seat, 1 for each 21 sq. ft. of seating area where there are no fixed seats, and 1 for each 250 sq. ft. of floor area used for seating
Swimming Pool	1 for each 2 employees	1 for each 1,000 sq. ft. of area
Tennis Courts	1 for each 2 employees	1 per court

Table of Off-Street Parking Requirements (Continued)

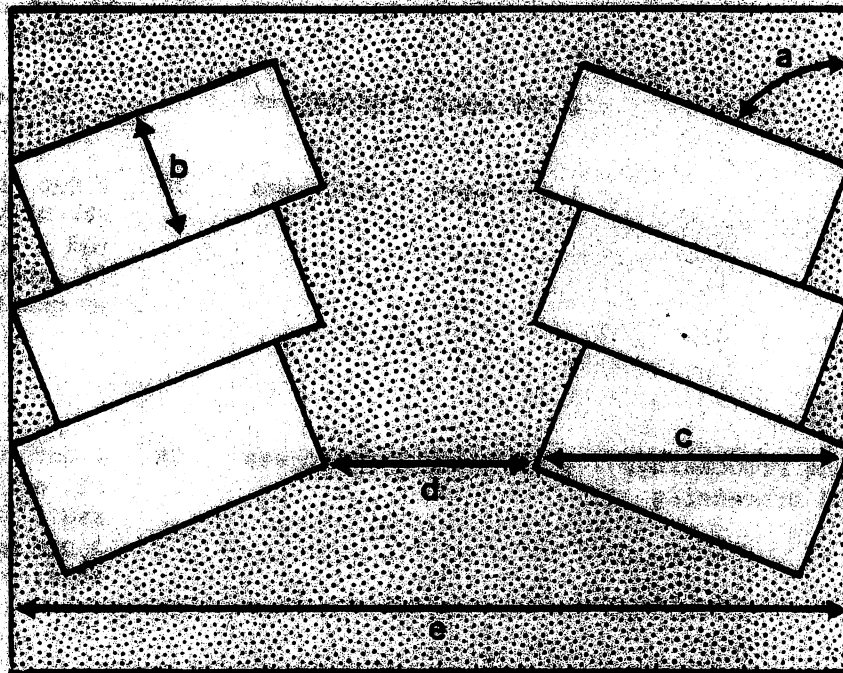
<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Commercial (Continued)</u>		
Personal Services		
Beauty & Barber Shops	1 for each 2 employees	2 per chair
Personal Service Shops	1 for each employee	1 for each 300 sq. ft. of gross floor area
Trade Schools, Business or Private	1 for each employee	1 for each 500 fixed seats or 1 for each 100 sq. ft. of floor area used for assembly and not containing fixed seats, whichever is greater
Repair Services		
		1 for each 300 sq. ft. of gross floor area
Research Services		
	1 for each 2 employees	1 for each 500 sq. ft. of gross floor area, if greater than 1 for each 2 employees
Retail Sales		
	1 for each employee	1 for each 300 sq. ft. of gross floor area
Scrap Operations		
	1 for each employee and 1 for each company vehicle	1 for each 1,000 sq. ft. of gross use area for the first 10,000 sq. ft. and 1 for each 3,000 sq. ft. of gross exterior area thereafter
Shopping Centers		
Neighborhood		5.5 spaces per 1,000 sq. ft. of gross leasable area
Community		
Regional		
Spectator Sports and Entertainment		
	1 for each 2 employees	seats 1 for each 3 fixed seats and 1 for each 21 sq. ft. of seating area not containing fixed seats
Transient Habitation		
Hotels	1 for each employee	1 for each 2 guest rooms
Motels	1 for the manager and 1 for each employee	1 for each guest room
Wholesaling, Storage and Distribution		
	1 for each employee and 1 for each vehicle used in connection with the use	1 for each 800 sq. ft. of gross floor area

Table of Off-Street Parking Requirements (Continued)

<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Industrial</u>		
Custom	1 for each 2 employees	OR 4 for the first 5,000 sq. ft. of floor area, 1 for each additional 2,000 sq. ft. of floor area, whichever is greater
Light	1 for each 2 employees	1 for each 1,000 sq. ft. of gross floor area
Heavy	1 for each 2 employees	OR 4 for the first 5,000 sq. ft. of gross floor area and 1 for each 2,000 sq. ft. thereafter whichever is greater
<u>Agricultural</u>		
Animal Waste Processing; Packing and Processing	1 for each 2 employees	OR 4 for the first 5,000 sq. ft. of gross floor area and 1 for each additional 2,000 sq. ft. of floor area, whichever is greater
Other		
<u>Extractive</u>	No improved parking is required, provided that sufficient open area is available to accommodate all employee and visitor vehicles entirely on the site.	

B. Aisle Dimensions

1. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.



Angle (a)	Space Width (b)	Space to Curb (c)	Aisle ¹ (d)	Tier ² Width ² (e)
0°-45°	9'-0" 10'-0"	19'-0" 20'-0"	16'-0" 14'-0"	64'-0" 54'-0"
46°-60°	9'-0" 10'-0"	20'-0" 20'-8"	18'-0" 16'-0"	58'-0" 57'-4"
61°-90°	9'-0" 10'-0"	18'-0" 18'-0"	24'-0" 22'-0"	64'-0" 58'-0"

1. Aisle widths for 45° and 60° spaces are one way only.
2. Tier means two rows of parking spaces plus an aisle. Tier width may not add up to aisle width plus two times the space to curb distance in the chart above because additional tier width may be required for safety precautions.

2. Space dimensions for parallel parking are to be nine (9) by twenty-two (22) feet. Aisle dimensions for parallel parking are to be twelve (12) feet for one-way aisles, and twenty-four (24) feet for two-way aisles.

C. Parking Area Access

1. Driveways serving residential uses shall have a minimum width of not less than nine (9) feet when serving four (4) or less dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu thereof, two (2) separate driveways not less than nine (9) feet in width and unobstructed to a height of eight (8) feet.
2. Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.
3. Parking areas for two (2) or more vehicles are to be designed to prevent or discourage cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots are to be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.
4. Access driveways to parking areas containing four (4) or more spaces are to be located and designed as follows:
 - a. Parking area entrance and exit driveways are to be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.
 - b. Entrance and exit driveways crossing the street property line of a single site are to be limited to two (2) along the frontage of any single street. The centerline of driveways on the same property are to be separated by a minimum of thirty (30) feet.

3. Churches with a capacity of 100 or more;
4. Restaurants with a capacity of 50 or more customers;
5. Public transportation terminals;
6. Places of public assembly;
7. Public buildings; and
8. Offices larger than 5,000 feet.

SECTION 68.006 - PARKING LOT CONSTRUCTION

All parking areas containing three (3) or more off-street parking spaces are to be improved as follows, except as otherwise provided by this section:

- A. Surfacing - All parking areas are to be surfaced with an asphalt, concrete, chip seal, or crushed rock gravel surface. Where concrete or asphalt are required, brick or other masonry paving units may be substituted including vertically-oriented concrete block.
- B. Lining and Marking - Parking spaces in paved parking areas are to be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.
- C. Wheel Stops - Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. Wheel stops are to be constructed as follows:
 1. Wheel stops are to be constructed of durable material not less than six (6) inches in height. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.
 2. Wheel stops or other vehicle barriers less than two (2) feet in height are to be located no closer than three (3) feet to any property line.
- D. Vertical Clearance - Covered parking spaces are to have a vertical clearance of at least seven feet six inches (7'6") above the parking lot surface for all uses except residential.
- E. Slope - The finished grade of a parking lot is not to exceed five percent (5%) slope.

G. Screening

1. Parking lots which abut a residential use or residential zone are to be separated from such property by a landscaping strip with a minimum width of five (5) feet, or six (6) foot high solid fence or wall, located on the residential side of the landscaping strip.

ARTICLE 69 - FIRE SAFETY

SECTION 69.001 - PURPOSE

The purpose of this article is to provide for fire prevention and protection in order to minimize hazards to life and property.

SECTION 69.002 - APPLICATION

The requirements of this chapter shall apply to all land use actions requiring Board of Commissioners, Planning Commission, Hearings Officer, and Land Partitioning Review Board review procedures under this Code when the property involved is located in an area of medium, high or extreme fire danger as shown on the Klamath County Planning Department's Wildfire Hazard Rating Map.

SECTION 69.003 - NOTICE

Notice of review procedures as outlined in Section 69.002 shall be sent to the Oregon Department of Forestry or the affected national forest and to the Fire Protection District, if any, within which the property is located. The notice shall describe the proposed development and shall solicit recommendations for any fire protection measures and alternatives which may be deemed necessary.

SECTION 69.004 - REVIEW AND APPROVAL

In approving applications for development in fire hazard areas as defined in Section 69.002, the review authority shall incorporate the suggested fire protection measures as conditions of approval.

SECTION 69.005 - ACCESS IN FIRE HAZARD AREAS

All subdivisions proposed for areas identified as having a high or extreme fire hazard on the Wildfire Hazard Rating Map available at the Klamath County Planning Department shall be designed to provide two or more dedicated access roads for separate, multiple ingress and egress.

SECTION 69.006 - FIRE PROTECTION, POLICE PROTECTION AND SCHOOLS

Proposed development plans will be reviewed by the appropriate Fire District Office, Sheriff's Department and the Superintendent of Schools to assess the development impact of the proposal on the existing facilities and services and future plans of these agencies.

CHAPTER 7
PUBLIC WORKS DEPARTMENT
SITE DESIGN AND DEVELOPMENT STANDARDS
ARTICLE 70 - BASIC PROVISIONS

SECTION 70.001 - PURPOSE

The purpose of this chapter is to establish standards for the design and development of sites in order to protect the public health, safety and welfare.

SECTION 70.002 - APPLICATION

The standards established in this chapter shall apply to all development in Klamath County.

SECTION 70.003 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

As used in this chapter, urban area means any property or lands located within an Urban Growth Boundary established by a Comprehensive Plan. Rural area means all other property or lands.

SECTION 70.004 - IMPROVEMENT PROCEDURES

The improvements required by this chapter shall conform to the requirements of this Code, the Department of Public Works Standard Drawings, Appendix "A", as it may be revised, and other 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 agencies. To the extent necessary for evaluation of the partition or subdivision proposal, the plans and specifications shall be required before approval of the final map or plat;
- B. Work shall not be commenced until the County Engineer has been notified; and
- 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 County Engineer.

SECTION 70.005 - STANDARDS PROVIDED

This chapter provides standards for the following:

- A. Vehicular Access and Circulation
- B. Curbs, Gutters and Sidewalks
- C. Street Names, Numbers and Signs
- D. Site Drainage and Grading
- E. Water Service
- F. Sewer Service
- G. Utilities
- H. Solid Waste

ARTICLE 71 - VEHICULAR ACCESS AND CIRCULATION

SECTION 71.001 - PURPOSE

The purpose of these standards is to ensure safe ingress and egress to and from properties; to minimize street congestion and traffic hazards; to provide safe and convenient access to business, public services, and places of public assembly; and to make the appearance of vehicular circulation more compatible with surrounding land uses.

SECTION 71.002 - ACCESS STANDARDS FOR PROPOSED SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT

- A. County Engineer Approval -- Access to property fronting upon a county or public road shall be subject to the approval of the County Engineer.
- B. Vehicular Access - Vehicular access shall be provided to all lots from a dedicated street. Developments fronting on an arterial may be required to provide a frontage or service road.
- C. State Highway Division Approval - Access to property fronting upon a state highway shall be subject to the approval of the State Highway Division.

SECTION 71.003 - CIRCULATION PLAN

- A. A future circulation plan shall be filed in conjunction with applications for all major partitions and for all subdivisions. The plan shall show the internal circulation pattern of the development and its relationship to the surrounding circulation system, including internal circulation of adjacent existing and future development.
- B. The Land Partition Review Board and the Planning Commission shall have the authority to adopt Circulation Plans, which accompany applications for land divisions.
- C. The circulation plan shall be submitted in a graphic format which conforms as to size, quality of drawing material, and graphic standards with that of either the tentative plan or preliminary plat which it accompanies.

SECTION 71.004 - FILING OF CIRCULATION PLAN

Upon adoption of the Land Partition Review Board or the Planning Commission, the circulation plan shall be made a matter of record by indexing and filing said plan in the Planning Department and the Public Works Department.

SECTION 71.005 - REVISION OF FUTURE CIRCULATION PLAN

The Circulation Plan may be adopted by action of the Land Partition Review Board or Planning Commission in conjunction with approving a land division, or by the Board of Commissioners in conjunction with the revision of a Comprehensive Plan.

SECTION 71.006 - GENERAL ROADWAY DESIGN CRITERIA AND STANDARDS

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. All street improvements shall be designed and constructed in accordance with the Department of Public Works Standard Drawings, Appendix A, as it may be revised.

SECTION 71.007 - MINIMUM RIGHT-OF-WAY AND ROADWAY IMPROVEMENT WIDTHS

Unless otherwise indicated on an official circulation plan, the minimum width of rights-of-way and roadway improvements shall be in compliance with the following:

- A. Freeways - In accordance with the standards and specifications of the State Division of Highways;
- B. Major Highways - A right-of-way width of one hundred (100) feet with improvements in accordance with the standards and specifications of this Code;
- C. Arterials - A right-of-way width of eighty (80) feet with improvements in accordance with the standards and specifications of this Code;
- D. Collector Street - A right-of-way width of sixty (60) feet with improvements in accordance with the standards of this Code;
- E. Local Streets - A right-of-way width of sixty (60) feet with improvements in accordance with the standards of this Code;
- F. Cul-de-sac Streets - A right-of-way width of not less than sixty (60) feet with improvements in accordance with the standards of this Code; and
- G. Alleys - A right-of-way width of not less than twenty (20) feet with improvements in accordance with standards and specifications of this Code.
- H. When necessary for street construction on a side hill situation, the right-of-way needs shall be expanded as necessary.

SECTION 71.008 - INTERSECTION VISIBILITY - CORNER CUTBACK AREAS

A. The corner cutback area is a reserved open space to ensure adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets and alleys. The corner cutback area for corner lots or parcels at street intersections shall have a minimum of 25-foot legs along each street, and for alley-street or driveway-street intersections, the corner cutback area shall have legs of a minimum of 10 feet along both alley or driveway and street. Vision clearance shall not be required at a height of ten feet or more above the curb level or ten feet six inches above the shoulder of a street that does not have a curb, or below two feet and six inches of height above a street curb or shoulder. This section shall not be construed as waiving or altering any yard requirements that may be required by any other provision of this Code.

B. Within the corner cutback area, the following provisions apply:

1. No buildings or structures including solid fencing and landscaping that would constitute a visual obstruction shall be permitted.

C. Where other provisions in this Code permit buildings or structures, contrary to the size and type permitted by Subsection B above, the provisions of Subsection B shall prevail.

SECTION 71.009 - ROADWAY IMPROVEMENTS IN URBAN AREAS

The following roadway improvements shall be required for development in urban areas and shall be provided at the expense of the developer:

A. Development within an Urban Growth Boundary consisting of lots containing 20,000 square feet or less shall be improved with curbs, gutters, sidewalks, and paved roadways a minimum width of thirty-six (36) feet.

B. Development within an Urban Growth Boundary consisting of lots containing a minimum of 20,001 square feet and not more than 43,559 square feet shall be improved with curbs, gutters and paved roadways a minimum width of thirty-six (36) feet.

C. Development within an Urban Growth Boundary consisting of lots containing 43,559 square feet or more shall be improved with paved roadways a minimum width of twenty-four (24) feet with four (4) foot wide gravel shoulders on each side of the pavement and shall include adequate drainage facilities as required by the County Engineer.

- D. All rights-of-way shall be cleared between the catch points of the cuts or fills of the approved 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.

SECTION 71.010 - ROADWAY IMPROVEMENTS IN RURAL AREAS

The following roadway improvements shall be required for development in rural areas and shall be provided at the expense of the developer:

- A. Development in a rural area consisting of lots containing 5.00 acres or less shall be improved with graveled roadways a minimum width of thirty-two (32) feet and shall include adequate drainage facilities as required by the County Engineer.
- B. Development in the rural area consisting of lots containing more than 5.00 acres shall have roadways of not less than thirty-two (32) feet in width with a traveled way of twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders.
- C. All rights-of-way 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 the slope limits to the full width of the right-of-way.

SECTION 71.011 - ROADWAY 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 alignments resulting in "T" intersections shall, where practical, provide 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.

SECTION 71.012 - ROADWAY INTERSECTION ANGLES

Streets shall be laid out so as to intersect at any 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. Streets which intersect at an angle of 70° or less 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 collector or arterial streets shall have a corner radius of not less than twenty (20) feet.

SECTION 71.013 - ROADWAY GRADES AND CURVES

Grades shall not exceed six percent (6%) on major or arterial streets, ten percent (10%) on collector streets, and twelve percent (12%) on all other streets. Centerline radii of curves shall be not less than three hundred (300) feet on major or arterial streets, two hundred (200) feet on collector streets, and one hundred (100) feet on all other streets.

SECTION 71.014 - CUL-DE-SACS

In urban areas, 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 areas, a cul-de-sac shall not be more than one thousand (1000) 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.

SECTION 71.015 - EXISTING STREETS

Whenever existing streets, wither adjacent to or within the development, are of inadequate width, the additional necessary right-of-way within the development boundary shall be provided at the time of the land division.

SECTION 71.016 - 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.

SECTION 71.017 - FUTURE EXTENSIONS OF STREETS

When necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the development and the resulting deadend street may be approved without a turnaround. Reserve strips and street plugs may be required to insure the objectives of street extensions.

SECTION 71.018 - HALF STREETS

Half streets, while generally not acceptable, may be approved where essential for reasonable development when in conformity with the requirements of this Code and when possible to require the dedication of the other half when the adjoining property is developed. Whenever an existing half street is adjacent to land to be developed, the remaining half of the street shall be dedicated within such development. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.

SECTION 71.019 - STREETS ADJACENT TO RAILROAD RIGHT-OF-WAY

Wherever a proposed development 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.

SECTION 71.020 - MARGINAL ACCESS STREETS

Where a development abuts or contains an existing or proposed arterial street, marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reserved area along the rear of side property line, or other treatment necessary for adequate protection of residential properties and for separation of through and local traffic may be required.

SECTION 71.021 - ALLEYS

Alleys may be provided in commercial and industrial zones.

SECTION 71.022 - 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 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 subdivisions, blocks shall not exceed two thousand six hundred forty (2,640) feet in length or as required by this Code.

SECTION 71.023 - DRIVEWAY OR ACCESS PERMITS

Prior to the construction of any driveway or road which connects with a public or county road, or state highway, a driveway permit shall be obtained from the Department of Public Works or State Highway Department. Such permit shall be issued subject to the conditions specified therein.

SECTION 71.024 - UTILITIES IN STREETS RIGHTS-OF-WAY

Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider or partitioner 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 a length that will obviate the necessity of street cuts when service connections are made.

SECTION 71.025 - PERIMETER FENCING FOR SUBDIVISIONS ABUTTING AGRICULTURAL AND FORESTRY LANDS

In order to maintain Agricultural and Forestry activities, perimeter fencing may be required where subdivisions or PUD's (Planned Unit Development) abut any agricultural or forestry planned or zoned areas. If determined necessary by the Planning Commission, the applicant shall be responsible for fencing prior to final plat approval. Such fencing shall be of such quality as to provide for adequate protection.

ARTICLE 71A - CURBS, GUTTERS, AND SIDEWALKS

SECTION 71.001A - PEDESTRIAN WAYS

When necessary for public convenience and safety, pedestrian ways ten (10) feet in width to permit access to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, recreation, or other public or private areas may be required. Pedestrian ways shall be of such design and location as reasonably required to facilitate pedestrian travel and shall be dedicated to the public.

SECTION 71.002A - CURBS, GUTTERS, AND SIDEWALKS

Development shall include installation of curb, gutters, and sidewalks as set forth in this article.

SECTION 71.003A - REQUIREMENTS FOR URBAN AREAS

- A. Development within the urban area shall be improved with curbs, gutters and sidewalks in accordance with this Code.
- B. Sidewalks not less than five (5) feet in width shall be constructed in all dedicated pedestrian ways, and along streets where determined necessary for pedestrian safety.

SECTION 71.004A - DESIGN AND CONSTRUCTION STANDARDS

Curb, gutter and sidewalk improvements are to be designed and constructed in accordance with standards established in the Department of Public Works Standard Drawings, Appendix A, as it may be revised. All necessary grading and construction is to occur at the expense of the developer.

5. Existing and proposed drainage channels including drainage swales, ditches and berms.
 6. Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains, and drop inlets.
 7. Estimates of existing and increased runoff resulting from the proposed improvements.
- B. Engineered Drainage and Grading Plan Content - Engineered drainage and grading plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by Subsection A of this Section.

SECTION 72.004 - DRAINAGE AND GRADING PLAN REVIEW AND APPROVAL

The County Engineer will review each drainage and grading plan for adequacy. Drainage and grading plans shall be approved by the County Engineer, where required, to assure that the project will not result in inundation and erosion on the site nor create any drainage or grading problems for neighboring or downstream properties.

SECTION 72.005 - INSPECTION AND COMPLETION

Where required by the County Engineer, an Inspection Agreement is to be entered into and the drainage facilities inspected and approved prior to approval of the final inspection for a building permit.

SECTION 72.006 - DRAINAGE SYSTEM STANDARDS

Drainage systems and facilities subject to drainage and grading plan review and approval are to be designed and constructed as required by the County Engineer.

ARTICLE 73 - URBAN AREA SERVICE STANDARDS

SECTION 73.001 - WATER SERVICE

Subdivisions within urban areas shall be served by a central public domestic water supply system or by a central private domestic water supply corporation which has been approved by the County Health Services Department or the Oregon Health Division and County Engineer as adequate to provide for the health and sanitation needs of the area. Private water supply systems shall conform to the service standards of the preferred provider. The establishment of fire hydrants, where existing water facilities permit, will be required for fire protection and shall meet rating bureau standards.

SECTION 73.002 - SEWER SERVICE

Subdivisions within urban areas shall be served by a public sewage disposal system or by a private sewage service district or corporation which has been approved by the Department of Environmental Quality as adequate to provide for the health and sanitation needs of the area. Sewer systems must be installed in accordance with the requirements of both federal and state agencies including the Department of Environmental Quality and must conform to service standards of the preferred provider.

SECTION 73.003 - OTHER REQUIRED SERVICES

- A. Drainage - Development shall meet the drainage and grading plan requirements of Article 72 and the curb and gutter requirements of Article 71A.
- B. Fire Protection - Development shall be included within a fire protection district with responsibility for structural fire.
- C. Road Standards - Development shall comply with the road standards of Article 71.
- D. Electrical Service - Development shall include provisions for electrical service by the public utility serving the area.

SECTION 73.004 - SERVICE WITHIN WATER OR SEWER DISTRICT

In addition to the requirements specified above, development within a water or sewer service district shall be required to meet the requirements of the preferred provider with respect to provisions of service.

ARTICLE 74 - RURAL AREA SERVICE STANDARDS

SECTION 74.001 - WATER SERVICE

Subdivisions in rural areas may utilize either a central water supply system of individual wells at the option of the developer. If a central water system is to be provided, it must be inspected and approved by the County Health Services Department or the Oregon State Health Division and County Engineer prior to the issuance of any building permits. If a central water system is not to be provided, concurrent with the submission of a preliminary plat, the developer must submit a written hydrology report, prepared by a registered engineer, documenting the quantity and quality of water in the vicinity based on the general history of wells in the area.

SECTION 74.002 - SEWER SERVICE

Subdivision in rural areas may use central sanitary sewer systems or on site septic systems as provided for under the following stipulations:

- A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;
- B. A bond, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or
- C. In lieu of paragraphs A and B of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Klamath County Department of Health Services or Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and endorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385.

SECTION 74.003 - OTHER REQUIRED SERVICES

- A. Drainage - Development shall meet the drainage and grading requirements of Article 72.
- B. Fire Protection - Development shall comply with the fire protection requirements of Article 69. Subdivisions shall be located within a fire protection district prior to final plat approval.
- C. Road Standards - Development shall comply with the road standards of Article 71.
- D. Electrical Service - Subdivisions shall include provisions for electrical service by the public utility serving the area.

SECTION 74.004 - SERVICE WITHIN WATER OR SEWER DISTRICT

In addition to the requirements specified above, development within a water or sewer service district shall be required to meet the requirements of the district with respect to the provision of service.

ARTICLE 75 - UTILITIES

SECTION 75.001 - UTILITIES IN URBAN AREAS

Within urban areas, all development, except individual single-family dwellings on existing lots, is encouraged to have all on-site public utility service connections installed underground. This standard applies to electrical service connections between the power company distribution lines and all proposed buildings on a site, and on-site connections between buildings, but does not apply to the public utility distribution service to the edge of the lot, except in an underground utility district.

SECTION 75.002 - UTILITIES IN RURAL AREAS

On-site public utility service connections in rural areas shall be installed in accordance with the appropriate utility service standards district.

SECTION 75.003 - UTILITY EASEMENTS

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 lot lines at change of direction points of easements.

ARTICLE 76 - SOLID WASTE

SECTION 76.001 - SOLID WASTE COLLECTION AND DISPOSAL

Within urban areas, except single-family dwellings, temporary uses, agricultural uses, and other uses which do not create a need for solid waste pickup and disposal, an enclosed area for the temporary collection of solid waste prior to disposal truck pickup is to be provided, as required by this Article.

SECTION 76.002 - COLLECTION AREA STANDARDS

- A. Location of Collection Facilities - The solid waste collection area is to be located within one hundred (100) feet of the dwellings or buildings served, but is not to be located in any front yard setback.
- B. Enclosure Required - Solid waste collection areas which utilize dumpsters or other containers with a total capacity greater than two (2) thirty-three (33) gallon containers are to be screened from the view of public streets and adjoining properties by a solid fence or wall as high as the collection container, but not less than three (3) feet nor more than six (6) feet in height.
- C. Enclosure Construction Standards
 - 1. The floor or bottom surface of a solid waste collection area is to be of concrete or other impervious material.
 - 2. The collection area is to have unobstructed vertical clearance for a minimum height of twenty-five (25) feet.

C H A P T E R 8
S P E C I A L U S E S T A N D A R D S

ARTICLE 80 - BASIC PROVISIONS

SECTION 80.001 - PURPOSE

The purpose of this chapter is to establish overlying zones for supplementary property development standards and limitations for special land uses, which have been identified because of particular characteristics. These characteristics, whether valuable resources, hazards, or special uses, must be carefully regulated in terms of all development proposals.

SECTION 80.002 - APPLICATION

The standards in this chapter relate to the special characteristics of the uses identified in Section 80.003 and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Code. In the event that the standards contained in this chapter differ from other applicable standards of this Code, the more stringent standards shall prevail.

SECTION 80.003 - STANDARDS PROVIDED

This chapter prescribes standards for uses, location, design, and operation of the following special uses:

- A. Mineral and Aggregate Standards
- B. Density Transfer
- C. Significant Resource Area
- D. Mobile Homes
- E. Home Occupations

ARTICLE 81 - MINERAL AND AGGREGATE EXTRACTION STANDARDS

SECTION 81.001 - GENERAL STANDARDS

The mineral or aggregate extraction standards shall be applied only to lands meeting the following standards:

- A. The land will be used as a site for mineral or aggregate extraction on a temporary basis until the resource is depleted; and
- B. Mineral or aggregate extraction operations and reclamation shall be conducted in accordance with all applicable provisions of State Law.

SECTION 81.002 - PROCEDURE

The application of the Mineral Extraction standards shall be accomplished by a Conditional Use Permit as provided in Chapter 4, Article 44 of this Code.

SECTION 81.003 - REVIEW CRITERIA

In addition to the general review criteria given in Section 44.003, the following findings must be made for mineral extraction permits:

- A. That the site will be operated in accordance with applicable state and/or federal statutes.
- B. That the proposed access can accommodate the increased volume of traffic to be generated.
- C. That the proposed access can safely handle the type of increased traffic flow which will accompany the development without significantly endangering the public health, safety, or welfare.
- D. That an adequate water supply is available to the site. (For dust control, required landscaping, reclamation, etc).
- E. That blasting which may be necessary will not damage existing structures or facilities.

SECTION 81.004 - CONDITIONS

In addition to the general conditions listed in Section 44.004F, the following conditions may be imposed upon a finding that additional restrictions are warranted:

- A. An increase or decrease of required setbacks.
- B. Limiting the manner in which the use is conducted:

1. Restraints to minimize noise, vibration and blasting, air pollution, glare, odor, dust, etc.
 2. Limitations on lighting (i.e., location, intensity, possible shielding).
 3. Other restrictions deemed necessary by findings of fact.
- C. Visual screening emphasizing the use of native plants, berms or fences.
- D. Access roads treated to reduce dust.
- E. Additional access roads which circumvent residential areas.
- F. Off-site stockpiling or processing.
- G. Air, water or reclamation standards exceeding those required by state or federal law if justified by findings of fact.
- H. Limiting the height, size, or location of buildings or structures.
- I. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

SECTION 81.005 - SIGNIFICANT POTENTIAL MINERAL OR AGGREGATE SITES

When a potential site has been designated as a LC significant site and a decision made to protect the resource by the County, the applicant, per Ordinance, can mine the site. Before mining can begin, the applicant shall apply for a hearing before the Hearings Officer. At hearing, the Hearings Officer shall determine which, if any, conditions will be placed on the mining operations pursuant to Article 81 and Section 81.004 of this Article.

ARTICLE 82 - DENSITY TRANSFER

SECTION 82.001 - GENERAL STANDARDS

The Density Transfer shall be applied only to lands which have at least one of the following development constraints: Significant Resource, Airport Hazard, Airport Noise, Flood Hazard.

SECTION 82.002 - DESIGN STANDARDS

The following site design standards shall apply to lands utilizing this provision:

- A. Lot Area - The lot area shall be no less than 1 acre in size.
- B. Density - The number of residential units or lots may not exceed that permitted by the basic zone.
- C. All proposed land divisions are subject to either the land partition or subdivision review procedure.

SECTION 82.003 - REVIEW CRITERIA

The Density Transfer shall be granted only if the reviewing authority finds that the following criteria are satisfied, as well as all other criteria and standards of this Code:

- A. If subject property is in an agriculture zone, the criteria in Sections 51.017, Subsections D and E shall be satisfied.
- B. If subject property has an overlying development constraint, the review criteria of each applicable constraint shall be satisfied, i.e., Flood Hazard, Airport Hazard.

SECTION 82.004 - REVIEW PROCEDURE

The application of the Density Transfer to lands within Klamath County shall be accomplished by a Conditional Use Permit as provided in Chapter 4.

ARTICLE 83 - SIGNIFICANT RESOURCE AREA

SECTION 83.001 - GENERAL PROVISIONS

The Significant Resource Overlay shall be applied to those areas designated on the official Klamath County Planning Department "Significant Goal 5 Resources" map.

SECTION 83.002 - PURPOSE

The purpose of the Significant Resource Overlay is to conserve significant open space, scenic and historic areas, and natural areas in Klamath County; to protect an important environmental, social, energy, and economic element of the area; and to permit development compatible with the protection of the significant open space, scenic and historic areas, and natural resources.

SECTION 83.003 - APPLICATION

The provisions of this Article shall apply to the following:

1. Proposed land use changes which fall within an identified "Significant Resource Area."
2. Permitted uses in the underlying zone identified as conflicting uses in Section 83.007 of this Article.
3. Conditional uses in the underlying zone identified as conflicting uses in Section 83.007 of this Article.

SECTION 83.004 - REVIEW PROCEDURE/CRITERIA

A. "Protect the Resource Decision (3A)"

1. When a "3A" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the applicant in coordination with the responsible agency must:
 - a. Identify the type and extent of resources involved;
 - b. Determine the exact location of the resource; and
 - c. In coordination with the responsible agency (as noted in Section 83.008 - Agency/Resource List), develop a management plan which protects the resource.
2. If the responsible agency and applicant cannot agree on an acceptable management plan which protects the resource, the land use request shall be denied.
3. If, in the opinion of the agency having statutory responsibility or an agency listed on the Agency/Resource List (Section 83.008), the resource is not on the applicant's property, or that the development proposal will not impact the resource, the standards in this Article shall not apply.

B. "Allow Conflicting Uses Decision (3B)"

1. When a "3B" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the applicant and request shall not be subject to the standards of this Article.

C. "Limit Conflicting Uses Decision (3C)"

1. When a "3C" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the applicant shall, prior to review by the appropriate reviewing body, be encouraged to meet with the agency having responsibility for the resource in order to:
 - a. Identify the type and extent of resources involved;
 - b. Determine the exact location of the resource; and
 - c. Discuss possible development and management plans that would allow for both resource preservation and development to occur.
2. If the responsible agency and the applicant cannot agree on a management plan which would allow for both resource preservation and development, the following findings of fact, if applicable to the disagreement must be made:
 - a. The resource or site must be disturbed to provide for reasonable use of the site, and if not disturbed, the applicant would be substantially damaged.
 - b. The use proposed will directly benefit the community and satisfies a substantial public need or provides for a public good which clearly outweighs retention of the resource.
 - c. The proposed development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.
 - d. The public benefit due to the development of the particular site would be maximized when compared to development of similar properties in the area not possessing a unique site or resource.
 - e. The identified site or resource cannot be physically developed for an energy source or has a low potential for an energy development based upon an evaluation of environmental, social, and economic factors.

- f. The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the resource area on or adjacent to the site.
 - g. In big game winter ranges, the cumulative effect of the proposed land use change and other development in the area must be consistent with the maintenance of long term big game habitat values.
 - 3. If, in the opinion of the agency having statutory responsibility or an agency listed on the Agency/Resource List (Section 83.008), the resource is not on the applicant's property, or that the development proposal will not impact the resource, the standards in this Section shall not apply.
- D. "Permitted Uses Identified as Conflicting Uses"
 - 1. If a permitted use in the underlying zone is listed as a conflicting use in Section 83.007, the applicant shall comply with the review procedure and criteria outlined in Section 83.004(C).
- E. "Conditional Uses Identified as Conflicting Uses"
 - 1. If a conditionally permitted use in the underlying zone is listed as a conflicting use in Section 83.007, it shall be subject to the following:
 - a. Article 44 - Conditional Use Permit; and
 - b. Procedure and Review Criteria contained in Section 83.004(C).
 - 2. The reviewing body may limit changes in the natural grade of land, or the alteration, removal, or destruction of natural vegetation in order to prevent or minimize erosion, pollution, or degradation of the significant natural resource.
 - 3. An application for a conditional use shall be denied if, in the opinion of the reviewing body, the proposed use would be detrimental to the natural feature or resources of the area.
 - a. The proposed use must pose a permanent and irreversible detriment to the resource in question.
 - b. Based on the best information available, the proposed use would be detrimental to the natural feature or resources of the area.
 - 4. If the Planning Director finds, after consultation with the appropriate agency, that the proposed use will have no substantial negative impact on the resource due to the acceptable management plan or to the nature of the proposed use,

the request for a conditional use permit shall be subject only to Article 44 - Conditional Use Permit.

SECTION 83.005 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - Minimum lot size shall be as established in the underlying zone with which the Significant Resource Overlay is combined, with the following exceptions:
1. Minimum parcel size and density in low and medium deer winter ranges shall not exceed one unit per 80 acres or one unit per 40 acres if development is clustered.
 2. Minimum parcel size and density in high density deer winter ranges, and in the antelope range north of Bly shall not exceed one unit per 160 acres or one unit per 80 acres if development is clustered.
 3. If, in the opinion of the Oregon Department of Fish and Wildlife, development at a higher density would not adversely affect the resource, the minimum lot size may be reduced. A site plan addressing structure, density, and seasonal use shall be required.
 4. When residential uses in conjunction with resource uses are proposed which would exceed densities allowed in big game winter ranges or would differ from other standards of this Section, development may be allowed if the site plan is approved by the Oregon Department of Fish and Wildlife, or if those findings required by Section 83.003(D) can be made.
 5. In no case shall these exceptions allow a smaller lot size than allowed by the underlying zone.
- B. Lot Size and Shape - Standards contained in Chapter 6, Article 61 shall apply, with the following exception:
1. Residential development (i.e., subdivisions) on lots in medium and high density deer winter ranges shall be a cluster or planned development and shall comply with standards and requirements contained in Article 52, Sections 52.001(F) and (H), Concept and Development Plan Standards.
- C. Building Setbacks and Yards - Standards contained in Chapter 6, Article 62 shall apply, with the following exceptions:
1. Riparian setbacks as indicated in Section 62.007 - Riparian Setback Standards; and
 2. Lots or parcels which abut a significant mineral resource site (active or potential) may be required to establish setbacks in excess of those required in the zone in which the lot or parcel is located. The required setback shall

be determined by the Planning Director after meeting with the applicant and the owner of the mineral resource land to ensure site and sound screening between present and future uses on the properties.

- D. Building Heights - See Chapter 6, Article 63.
- E. Distance Between Buildings - Standards as provided by the Uniform Building Code shall apply with the following exception:
 - 1. In general, new structures located within an identified big game winter range area shall be located as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure).
- F. Fences, Hedges and Walls - See Chapter 6, Article 64.
- G. Signs - See Chapter 6, Article 66.
- H. Access - Standards contained in Chapter 7, Article 71 shall apply, with the following exceptions:
 - 1. If located within an identified big game winter range area, structures shall share a common access road wherever possible. Where it is impractical to share a common access road, the dwelling should be located as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest existing public road.
- I. Parking - See Chapter 6, Article 68.
- J. Landscaping - See Chapter 6, Article 65.
- K. Fire Safety - See Chapter 6, Article 69.
- L. Additional Property Development Standards:
 - 1. In addition to the standards and conditions set forth in this Section, the reviewing body may impose the following conditions upon a finding of fact that warrants such additional restrictions:
 - a. Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, or odor.
 - b. Establishing a special yard, other open space or lot area or dimension.
 - c. Limiting the height, size, or location of a building or other structure.
 - d. Designating the size, number, location and nature of vehicle access points.

- e. Increasing the required street dedication, roadway width, or improvements within the street right-of-way.
- f. Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- g. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- h. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- i. Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.
- j. Designating the size, height, location, and materials for a fence.
- k. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

SECTION 83.006 - STATE OR FEDERAL THREATENED AND ENDANGERED SPECIES

Developments which occur in areas which may disturb species (plant or animal) listed by the U.S. Fish and Wildlife Service as threatened or endangered shall comply with appropriate State and Federal laws and regulations.

The review procedure and criteria as outlined in Section 83.004 shall be followed when dealing with threatened or endangered species.

SECTION 83.007 - LIST OF CONFLICTING USES

A. MINERAL AND AGGREGATE RESOURCES

- 1. Residential uses
- 2. Loss of air, water, or land resources quality
- 3. Disturbance or destruction of wildlife habitat or natural habitat
- 4. Increased traffic

B. FISH AND WILDLIFE

- 1. Removal of vegetation
- 2. Removal of shelter or food source
- 3. Drainage projects, filling wetlands, and clearing of riparian vegetation
- 4. Intensification of land use beyond normal forestry and agricultural uses (loss of habitat to non-resource use)
- 5. Human disturbance

C. BIG GAME RANGES

1. Vehicular access and resulting human disturbance
2. Subdivision and resulting human activity including the impacts of domestic dogs
3. Population density greater than recommended maximums

D. BEAR VALLEY EAGLE REFUGE

Within the core area and primary buffer (Refuge boundary):

- *1. Logging activities other than those identified in the Bald Eagle Management Guidelines
2. Residential development
3. Permanent structures
4. Road construction
5. Human activity during the roost period (Nov.-March)
6. Mining
7. Use of chemicals adversely affecting eagles

Within the secondary buffer area:

1. Residential density greater than 1 unit per 20 acres
2. Commercial or industrial sites
3. Powerlines
4. Building roads and trails which facilitate access to the roost
5. Use of chemicals adversely affecting eagles
- *6. Timber harvest not designed to maintain suitable perch trees, favorable microclimatic conditions in the core area and usual buffers between the core area and outside disturbances.
7. These activities during the period of eagle use, November to May:
 - *a. timber cutting
 - b. clearing
 - c. mining
 - d. low level aircraft operations
 - e. use of firearms
 - f. camping and picnicking

Within the flyway:

1. Electrical transmission lines and distribution lines which are not designed to protect raptors from electrocution
2. Subdivision density greater than 1 unit per 20 acres

E. NATURAL AREAS

1. Roadway access
2. Grazing
3. Logging
4. Some fire protection methods

F. WETLANDS AND SURFACE WATER

1. Developments that require occupation of water surface areas
2. Channelization
3. Removal of shoreline vegetation
4. Alteration of natural streambanks
5. Filling into or removal from natural waterways
6. Point or non-point pollution
7. Commercial, industrial, or residential uses
8. Water impoundment

G. HISTORICAL AND ARCHAEOLOGICAL SITES

1. Destruction, removal, or covering of site or building
2. Major exterior alteration
3. Development of a historical site or district which destroys the historical integrity of the site

H. GROUNDWATER RESOURCES

1. Development in areas where the aquifer may be depleted
2. Contamination of the aquifer
3. Infiltration of excessive irrigation water which may increase the salinity of the aquifer

I. ENERGY SOURCES

1. Depletion of the resource
2. Pollution of the resource
3. Loss of air, water, or land resources quality
4. Loss of solar access due to construction
5. Negative aesthetic impacts

J. UPLAND GAMEBIRDS

1. Loss of habitat to non-resource uses
2. Human disturbance

K. NEST SITES

- *1. Any type of human disturbance during the critical period
2. Habitat destruction

L. BALD EAGLE NEST SITES AND TREE NESTING GOLDEN EAGLE NEST SITES

1. Commercial, residential, or industrial development
2. Permanent structures
3. Use of chemicals which negatively impact eagles or their habitat
- *4. Logging activities other than those identified in the Bald Eagle Management Guidelines
5. Mining and road construction
6. Human impact during the critical period

M. SHIPSEY/THOMAS PROPERTY

(Township 40, Range 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 and W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17)

1. Residential density greater than 1 unit per 20 acres
2. Free roaming dogs
3. Human disturbance to wintering bald eagles and deer

N. GEOTHERMAL RESOURCES

1. Geothermal development without sufficient hot water and sufficient reservoir quantity
2. Depletion of geothermal reservoir
3. Pollution of surface water by improper disposal of spent geothermal fluid
4. Residential subdivisions not accessory or secondary to industrial and commercial uses with the exception of subdivisions located on lands zoned non-resource
5. Uses other than resource uses which do not utilize geothermal resources

*NOTE: Although these activities conflict with Goal 5 resource sites and forest lands, they will not be subject to conditional use review under this Ordinance.

Instead, the Oregon Forest Practices Act, Rules, and supplemental agreements between the State Board of Forestry and Oregon Fish and Wildlife Commission shall be administered in order to implement 3A (protect the resource) and 3C (limit conflicting uses) decisions made by Klamath County in its adopted Plan and consistent with that Plan and the criteria in Article 83 of this Ordinance.

SECTION 83.008 - AGENCY/RESOURCE LIST

<u>Resource</u>	<u>Agency</u>
1. Fish and Wildlife Habitat Areas (ie: surface water and wetland areas, riparian areas, big game winter ranges, nest sites, etc.)	-Oregon Department of Fish and Wildlife and -U. S. Department of Fish and Wildlife when they have jurisdiction.
2. Water Resources	-Division of State Lands -Department of Transportation -County Watermaster -County Health Department -D.E.Q.
3. Energy Resources	-State Department of Energy

4. Mineral and Aggregate
Resources

- County Public Works
- State Highway Department
- Department of Transportation
- Department of Geology and
Mineral Industries

5. Archaeological Resources

- Klamath Tribe
- Historic Landmark Commission

6. Historic Buildings and Sites

- Historic Landmark Commission

7. Parks and Recreation Scenic
Waterways

- State Parks and Recreation
- State Department of Trans-
portation

8. Geothermal Resources

- Department of Geology and
Mineral Industries

ARTICLE 84 - MOBILE HOMES

SECTION 84.001 - STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS

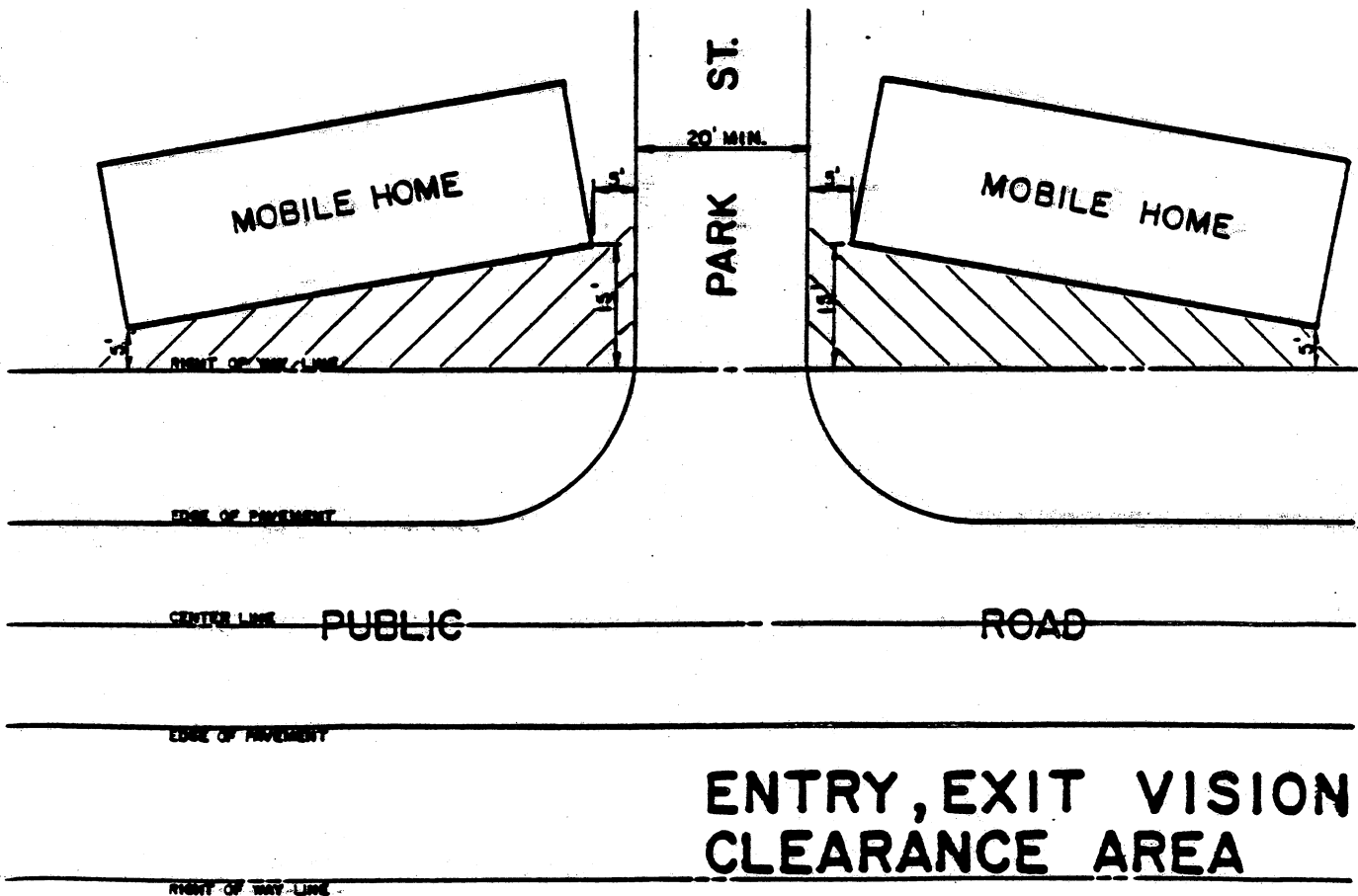
Mobile homes shall be permitted in the zones identified in Chapter 5, provided they are constructed in accordance with the State Mobile Home Standards, and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement, and in accordance with the standards of this Code.

- A. Lot Size - Mobile homes on individual lots shall satisfy the minimum lot size requirements established by the zone in which they are to be located in accordance with Chapter 5 of this Code.
- B. Mobile Home Size and Facilities - Mobile homes shall meet the construction standards that are established by the State of Oregon, Department of Commerce, in accordance with Oregon Revised Statutes 446, and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement.
- C. Residential Density - A maximum of one (1) mobile home shall be permitted on each lot. Mobile homes shall be placed on lots or parcels in accordance with the density requirements of the zone in which they are located, in accordance with Chapter 5 of this Code.
- E. Mobile Home Standards Within the Klamath Falls Urban Growth Boundary - Mobile homes that are placed on individual lots or parcels within the Klamath Falls Urban Growth Boundary shall meet the following requirements:
 - 1. Dwelling Units Permitted - Only those mobile homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance."
 - 2. All such mobile homes shall be at least twenty (20) feet in width (which may include a tip-out) with exterior dimensions enclosing a space of not less than 800 square feet.
 - 3. A mobile home of less than 800 square feet, but more than 500 square feet may be permitted subject to an administrative Variance and findings that the proposed siting will be compatible with the surrounding neighborhood.

SECTION 84.002 - STANDARDS FOR MOBILE HOME PARKS

Mobile home parks shall be permitted in the zones identified in Chapter 5 of this Code, provided that they are constructed in accordance with the State Mobile Home Administrative Rules and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement, and in accordance with the standards of this Code.

- A. Lot Size - Mobile home parks shall be no less than two (2) acres in size.
- B. Mobile Home Requirements - Each mobile home shall contain not less than three hundred fifty (350) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device. The mobile home shall meet the State Standards for mobile home construction and display the State of Oregon Department of Commerce insignie. The mobile home shall also be provided with a continuous skirting as required by Klamath County Ordinance Number 27, Mobile Home Placement.
- C. Residential Density - No more than ten (10) mobile homes per acre shall be permitted in a mobile home park.
- D. Yards - Mobile homes are to be setback from the property lines of the park as follows:
 1. The first mobile home at an intersection of a mobile home park street must be set back 15 feet from any public street right-of-way, and a minimum of 5 feet from an entrance street, and a minimum of 5 feet from a property line. See diagram below:



2. Mobile homes shall be located so that the spacing between other mobile homes and buildings shall be in accordance with the State of Oregon Department of Commerce Rules, in accordance with Oregon Revised Statutes Chapter 446.
- E. Coverage - In accordance with State Administrative Rules for mobile home park standards.
- F. Height - No building or structure shall exceed thirty-five (35) feet in height.
- G. Fences, Hedges and Walls - The land which is used for a mobile home park shall be surrounded by a sight-obscuring fence or hedge, except at entry exit vision clearance areas. The fence or hedge shall be maintained in neat appearance. Entrance and exit vision clearance areas are shown in the diagram of Subsection "D" Yards. No fences in these areas shall be constructed higher than three (3) feet.
- H. Landscaping - Mobile home parks shall be landscaped as required in Article 65 of this Code.
- I. Recreation Areas - In accordance with State Administrative Rules for mobile home park standards.
- J. Access -
 1. Primary vehicular access shall be provided from a dedicated street. Vehicular access to lots fronting on state highways or county or public roads shall be subject to the approval of the County Engineer or State Highway Division.
- K. Storage - There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
- L. Signs - See Article 66 - Signs.
- M. Facilities - In accordance with State Administrative Rules for mobile home park standards.

SECTION 84.003 - STANDARDS FOR MOBILE HOME SUBDIVISIONS

Mobile and modular home subdivisions shall be developed exclusively for the placement of mobile and modular home dwelling units only and accessory buildings. Mobile and modular home subdivisions shall be permitted in the zones identified in Chapter 5 of this Code.

- A. Lot Size - Mobile and modular home subdivisionslots shall meet the standards of the appropriate zone in which it is located in accordance with Chapter 5 of this Code.

- B. Mobile and Modular Home Requirements/Within Urban Growth Boundaries - The mobile and modular home shall be provided with a continuous skirting as required by the Klamath County Mobile Home Placement Ordinance Number 27. The mobile and modular home shall meet the State Standards for mobile home construction in accordance with Oregon Revised Statute Chapter 446.

Mobile and modular homes that are placed on lots in a subdivision that is located within an Urban Growth Boundary shall meet the following requirements:

1. Dwelling Units Permitted - Only those mobile homes and modular homes used as permanent residences which meet the H.U.D. Federal Mobile Home Safety Standards dated June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance."
 2. All such mobile and modular homes shall have exterior dimensions enclosing a space of not less than 500 square feet.
 3. The mobile and modular homes shall have siding materials similar to that presently used on houses constructed under the Uniform Building Code (UBC).
- C. Residential Density - The lots provided in a mobile and modular home subdivision shall meet the density requirements of the zone in which the mobile home subdivision is in accordance with Chapter 5 of this Code.
- D. Yards and Building Setbacks - The yards and building setbacks of mobile and modular homes and buildings within a mobile home subdivision shall comply with the requirements of Article 62 of this Code.
- E. Height - No building or structure in a mobile home subdivision shall exceed thirty-five (35) feet in height.
- F. Fences, Hedges and Walls - The mobile and modular homes on lots within a mobile and modular home subdivision shall comply with the requirements of Article 64 of this Code.
- G. Public Works Department Site Development Standards - Mobile home subdivisions access and vehicular circulation facilities shall be developed in accordance with Chapter 7, Public Works Department Site Development Standards, of this Code. Mobile home subdivisions shall be developed to comply with the standards for: Curbs, Gutters and Sidewalks (Article 71A); Street Names, Numbers and Signs (Article 71B); Site Drainage and Grading (Article 72); Water Service (Article 73); Sewer Service (Article 73A); Utilities (Article 74); and Solid Waste (Article 75) of this Code.

- H. Signs - Any signs constructed or erected in a mobile home subdivision shall comply with Article 66, Signs, of this Code.

SECTION 84.004 - MOBILE HOME SUBDIVISION/PLANNED UNIT DEVELOPMENT

Mobile home subdivisions may be developed in accordance with Article 86, Planned Unit Development, of this Code and in accordance with the density requirements of the underlying zone in accordance with Chapter 5 of this Code.

SECTION 84.005 - MOBILE HOME STORAGE

A mobile home may be temporarily stored on a lot or parcel subject to the following conditions:

- A. The mobile home shall be subject to site plan review.
- B. The mobile home shall not be stored for longer than three (3) months.
- C. The mobile home shall meet the setbacks required by this Code.
- D. The mobile home shall not be inhabited or connected to any utility service.

ARTICLE 85 - HOME OCCUPATIONS

SECTION 85.001 - PURPOSE

The purpose of these sections is to ensure that occupations conducted within one's own residence shall not be objectionable to the neighborhood in which it is located and shall maintain the residential character and appearance of both the dwelling and neighborhood.

SECTION 85.002 - WHERE PERMITTED

Home occupations shall be conditionally permitted in any zone that allows residential uses.

SECTION 85.003 - REVIEW AND PERMIT REQUIREMENTS

- A. Site Plan Review - All proposals for home occupations shall be subject to site plan review, as described in Article 41.
- B. Conditions for Home Occupations - Approval of home occupations shall be subject to the following findings:
 - 1. That the occupation is conducted entirely within a dwelling or a permitted accessory building.
 - 2. That the occupation is not the primary use and is operated by a resident of the property.
 - 3. That the business will not employ more than five full or part-time persons.
 - 4. That no equipment is used except such as may be used for purely domestic or household purposes.
 - 5. That no more than twenty-five percent (25%) of the floor area of one story of the dwelling is devoted to such home occupation.
 - 6. That the area of an accessory building used for a home occupation may not exceed fifty percent (50%) of the floor area of the residence.
 - 7. That such occupation shall not require internal or external alterations, or involve construction features that change the principal character or use of the dwelling involved.
 - 8. That only one (1) sign shall be permitted on the property, that said sign shall not exceed six (6) square feet in the area, and shall not be lighted at night.

9. That adequate off-street parking shall be maintained; and
10. That any outdoor storage of materials be screened from view of the street by a sight-obscuring fence or hedge.

SECTION 85.004 - ANNUAL REVIEW

The Planning Director shall review a permit allowing a home occupation every twelve (12) months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this Article.

SECTION 85.005 - LIMITED HOME OCCUPATIONS

Limited home occupations shall be permitted in any zone that allows residential uses subject to the following limitations:

- A. All aspects of the limited home occupation shall be conducted within the dwelling.
- B. Only residents of the dwelling may be employed in the home occupation.
- C. There shall be no outdoor storage of materials.
- D. Not more than twenty-five percent (25%) of the floor area of one story of the dwelling may be used.
- E. No equipment is used except such as may be used for purely domestic or household purposes.
- F. The occupation shall not require internal or external alterations, or involve construction features that change the principal character or use of the dwelling involved.
- G. No sign shall be permitted other than a name plate not over three square feet in area.

ARTICLE 86 - ARCHAEOLOGICAL RESOURCES

SECTION 86.001 - ARCHAEOLOGICAL RESOURCES

When an application is submitted for a land use change on lots at any known cultural area or archaeological resource within the area of known cultural or archaeological resources, the Historic Landmark Commission shall be notified. In the event that archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

- A. Notification shall be made to the Planning Department and construction shall be halted up to seven (7) calendar days after notification while a determination is made of the resources location, quantity, quality, and significance (under OAR 660-16-000 requirements). If no determination is made within seven (7) calendar days, the operator or contractor is encouraged to protect the site for study.
- B. If the resource is determined to be significant (1-C) construction shall be further halted until the extent and location of discovered materials may be recorded, and disposition of artifacts may be accomplished in accordance with State and Federal law. It is not the intent of the County to be more restrictive than applicable State or Federal statutes.
- C. In the event that archaeological resources are found to include human remains, or in any other case when any such remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department, so that proper disposition of the remains may be accomplished.
- D. In the event that archaeological resources are found within the former Klamath Reservation, the County Planning Department, Tribal Council, and the Historic Landmark Commission will be notified. If no response is received within seven (7) calendar days, it may be assumed the find is insignificant and progress may continue.
- E. In the event a significant archaeological site is discovered and further study is warranted, and in the event a controversy ensues between operator and Historic Landmark Commission, the Board of County Commissioners may intervene and establish a suitable evaluation time period.

The seven (7) calendar day work stoppage is meant to provide a balance for activities to be properly viewed for preliminary review and yet not unduly restrict the project operator.

ARTICLE 87 - HISTORIC BUILDINGS AND SITES

SECTION 87.001 - HISTORIC BUILDINGS AND SITES

This section shall apply to those buildings and sites designated as significant, LC sites in adopted inventory data. Said buildings and sites are hereby declared historical buildings and sites and are subject to the terms of this section.

- A. Exterior Remodeling or Alteration - The Building official shall submit to the Planning Director or his designee all building permit requests for exterior alteration to a historical building. The Planning Director shall, within five working days, and after consultation with appropriate agencies or experts, review the permit application for compliance with the requirements as set out in Section 83.011 B.
1. If the Planning Director finds the proposed alterations to be in compliance with Section B, he shall submit to the Building Department a "clearance for Permit" which will indicate that the requirements of this chapter have been satisfied by the request.
 2. If the Planning Director finds the proposed alterations to be in noncompliance with the requirements of Section B, the applicant must apply for a Conditional Use Permit as provided for under Article 44 of this Code. Notification shall include notification of the Historic Landmark Commission or any other person or agency considered an expert in the field. If the reviewing body finds the proposed alteration to be in noncompliance they must, (1) approve the application subject to compliance with conditions which will bring the application into conformance with Section B; (2) deny the application; and (3) provide the applicant with information concerning local, state, and federal preservation programs.
- B. Guidelines for the Exterior Alteration of a Historic Building - The Planning Director or Hearings Officer generally shall approve an application if the change of the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building and shall generally disapprove any application if found detrimental as unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, and the educational and historical value of the building. The following guidelines apply to exterior alterations to historical buildings:

1. Retention of original construction - So far as practicable, all original exterior materials and details shall be preserved.
2. Height - Additional stories may be added to historic buildings provided that:
 - a. The added height complies with requirements of the building and zoning codes.
 - b. The added height does not exceed that which was traditional for the style of the building.
 - c. The added height does not alter the traditional scale and proportions of the building style.
 - d. The added height is visually compatible with adjacent historic buildings.
3. Bulk - Horizontal additions may be added to historic buildings provided that:
 - a. The bulk of the addition does not exceed that which was traditional for the building style.
 - b. The addition maintains the traditional scale and proportion of the building style.
 - c. The addition is visually compatible with adjacent historic buildings.
4. Visual Integrity of Structure - The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
5. Scale and Proportion - The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.
6. Materials, Color, and Texture - The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.
7. Signs, Lighting, and Other Appurtenances - Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

C. Demolition or New Construction -

1. All requests for demolition of a historic building or new development on historical sites shall be reviewed by the Planning Director or his designee

after consultation with the Historic Landmark Commission or other appropriate authorities. The Planning Director or his designee shall have five days in which to review the application considering the following criteria.

- a. The degree to which the building conforms to the Uniform Building Code or is structurally safe for proposed uses.
 - b. The cost of bringing a building to conform to the Uniform Building Code.
 - c. The cost to the applicant of restoration versus demolition.
 - d. The local, regional, and national significance of the building or site.
 - e. The uniqueness of the building or site.
 - f. That the building must be demolished or the site developed to provide for reasonable use of the property.
 - g. That development of a historical site will not detract from the historical value of the site.
 - h. That the proposed development is in character to a reasonable degree with the historical significance of the site.
2. If the Planning Director or his designee decides that he cannot make an objective ministerial decision, he may refer the application to the Hearings Officer for review of a Conditional Use Permit as provided by Article 44. The Hearings Officer must also address the criteria numbered 1-a through 1-h above and any other factors considered essential to a reasonable decision. The Historic Landmark Commission or other experts in the field shall be notified of the hearing. The reviewing body may approve, conditionally approve, or deny the application.
 3. Exception: If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other act of God, a demolition permit may be approved by the Building Official without processing the request through the Historic Landmarks Committee.
 4. The powers herein granted shall in no case be exercised so as to impose upon any property owner any peculiar or undue hardship, nor shall such powers

be so exercised as to prevent the removal or demolition of any structure which cannot be economically maintained or restored, giving due consideration to all potential uses to which the same might reasonably be put upon restoration by a private property owner.

CHAPTER 9
USE CLASSIFICATIONS

ARTICLE 90 - BASIC PROVISIONS

SECTION 90.001 - PURPOSE

The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Land Development Code.

SECTION 90.002 - LISTING OF USE CLASSIFICATIONS

All uses are hereby classified into the following use types, which are described in Section 100.001 through Section 100.002, inclusive. See Section 100.003 for classification of combinations of uses resembling different types.

A. Residential use types

- Family residential
- Group residential
- Mobile home residential
- Worker residential
- Group care residential

B. Civic use types

- Administrative services
- Ambulance services
- Clinic services
- Community education
- Community recreation
- Cultural exhibits and library services
- Essential services
- Extensive impact services and utilities
- Parking services
- Postal services
- Religious assembly
- Public research area

C. Commercial use types

- Administrative and professional services
- Agricultural supplies and services
- Animal sales and services: auctioning
- Animal sales and services: grooming
- Animal sales and services: horse keeping

Row and field crops
Forestry
Animal raising: Small animals
Animal raising: Large animals
Animal raising: Specialty
Animal raising: Non domestic
Animal waste processing
Packing and processing
Primary processing of forest products

F. Extractive use types

Mineral extraction
Mineral exploration

G. Nonconforming Uses

H. Lots of Record

SECTION 90.003 - CLASSIFYING COMBINATIONS OF PRINCIPAL USES

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified as accessory uses.

- A. Separate Classification of Several Establishments - The principal uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types.
- B. Separate Classification of Different Major Categories of Uses Conducted by Individual Establishment - If the principal uses on a lot by an individual establishment, management, or institution appear to fit under two or more different categories or use types--in effect, Residential, Civic, Commercial, Industrial, Agricultural, or Extensive--the principal uses shall be classified under each appropriate category.
- C. Classification of Different Uses Within Same Category of Use Types, Conducted by Individual Establishment - If principal uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types (see B above), all such principal uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one of the use types on the list. If the principal uses resemble more than one of the use types on the list, the uses shall be classified in the most appropriate use type, except that any commercial uses shall be classified within the scrap operations use type if they have any of its characteristics.

Animal sales and services: auctioning
Animal waste processing
Light industrial
Heavy industrial
Extensive impact services and utilities
Scrap operations
Wholesaling, storage and distribution: heavy
Mining and processing

SECTION 90.004 - CLASSIFYING USES

Uses will be classified into types based upon the description of the use types as contained in Section 90.001 through Section 96.003 inclusive, upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 90.003 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Planning Director. The Planning Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to Chapter 3, and if an appeal is taken the Director shall provide written findings supporting the classification.

ARTICLE 91 - RESIDENTIAL USE TYPES

SECTION 91.001 - GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES

Residential use types include the occupancy of living accommodations on a wholly primarily nontransient basis; including institutional living arrangements which provide 24-hour care to seven or more persons. They also include certain uses accessory to the above.

SECTION 91.002 - FAMILY RESIDENTIAL

The Family Residential use type refers to the residential occupancy of dwelling units other than mobile homes, by families on a weekly or longer basis. Typical uses include occupancy of single-family residences, duplexes, apartments, or condominiums.

SECTION 91.003 - GROUP RESIDENTIAL

The Group Residential use type refers to the residential occupancy of dwelling units by groups of more than five persons who are not related by blood, marriage or adoption, on a weekly or longer basis. Typical uses include occupancy of sorority houses, retirement homes or boarding houses.

SECTION 91.004 - MOBILE HOME RESIDENTIAL

Mobile home residential refers to the residential occupancy of mobile homes by families on a weekly or longer basis. The following are home residential use types:

- A. Mobile Home Residential: Individual - Mobile homes developed on individual lots.
- B. Mobile Home Residential (Park): A group of mobile homes on lots developed as integrated spaces to be rented exclusively for mobile home placement.
- C. Mobile Home Residential (Subdivision): A group of mobile or modular homes on integrated lots developed to be sold exclusively for mobile or modular placement.

SECTION 91.005 - WORKER RESIDENTIAL

The Worker Residential use type refers to the occupancy by employees and their families of any living accommodations, without regard to duration, which occurs exclusively in conjunction with the agricultural use types.

SECTION 91.006 - GROUP CARE RESIDENTIAL

The Group Care residential use type refers to services provided in residential facilities or in facilities authorized to provide day care services. Typical uses include halfway houses, intermediate care facilities, day nurseries, nursing homes, convalescent hospitals, foster care homes, and rest homes. The Group Care residential use type does not include hospitals, prisons, or other extensive impact services.

ARTICLE 92 - CIVIC USE TYPES

SECTION 92.001 - GENERAL DESCRIPTION OF CIVIC USE TYPES

Civic use types include the performance of utility, educational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above.

SECTION 92.002 - ADMINISTRATIVE SERVICES

The Administrative Services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary equipment and vehicles.

SECTION 92.003 - AMBULANCE SERVICES

The Ambulance Services use type refers to the transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

SECTION 92.004 - CLINIC SERVICES

The Clinic Services use type refers to providing non-profit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

SECTION 92.005 - COMMUNITY EDUCATION

The Community Education use type refers to educational services provided by public, private, and parochial elementary, junior high and senior high schools and junior colleges, but excludes colleges, universities, and trade schools.

SECTION 92.006 - COMMUNITY RECREATION

The Community Recreation use type refers to recreational, social or multi-purpose uses within buildings, owned and operated by a governmental agency or a non-profit community organization.

SECTION 92.007 - CULTURAL EXHIBITS AND LIBRARY SERVICES

The Cultural Exhibits and Library Services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

SECTION 92.008 - ESSENTIAL SERVICES

The Essential Services use type refers to services which are necessary to support principal development and involve only minor structures such as pipelines, powerlines, distribution feeders, and poles which are necessary to support principal development.

SECTION 92.009 - EXTENSIVE IMPACT SERVICES AND UTILITIES

The Extensive Impact Services and Utilities use type refers to public services and utilities which have substantial impact on surrounding land uses. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community-wide interest. Typical places or uses are sanitary landfills, airports, detention and correction institutions, fairgrounds, fire stations, parks, public sports arenas, vehicular raceways, microwave relay stations, or other communication structures, electrical transmission lines, substations, and electrical generation facilities.

SECTION 92.010 - PARKING SERVICES

The Parking Services use type refers to parking services involving garages and lots which are publicly-owned and operated.

SECTION 92.011 - POSTAL SERVICES - SUBSTATION FACILITIES

The Postal Services use type refers to mailing services, excluding major processing, as traditionally provided by the United States Postal Service.

SECTION 92.012 - RELIGIOUS ASSEMBLY

The Religious Facilities use type refers to religious services only involving public assembly such as customarily occurs in synagogues, temples, and churches. This use type does not include parochial schools.

SECTION 92.013 - PUBLIC RESEARCH AREA

Land and the appurtenant buildings operated by governmental, educational and other public or non-profit bodies dedicated to pure or applied scientific discovery in the fields of agriculture, wildlife management, forestry, geology, archaeology, ecology, astronomy, and the like.

ARTICLE 93 - COMMERCIAL USE TYPES

SECTION 93.001 - GENERAL DESCRIPTION OF COMMERCIAL USE TYPES

Commercial use types include the distribution and sale or rental of goods; and the provision of services other than those classified as Civic Uses. They also include certain uses accessory to the above.

SECTION 93.002 - ADMINISTRATIVE AND PROFESSIONAL SERVICES

The Administrative Professional Services use type refers to offices of private firms or organizations which are primarily used for professional, executive, management or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.

SECTION 93.003 - AGRICULTURAL SUPPLIES AND SERVICES

The Agricultural Supplies and Services use type refers to establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of feed grain, fertilizers, pesticides and similar goods as well as the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include feed and grain stores, crop dusting or tree service firms.

SECTION 93.004 - ANIMAL SALES AND SERVICES

Animal sales and services refers to establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and service use types:

- A. Animal Sales and Services: Auctioning - Auctioning of livestock on a wholesale or retail basis with the incidental storage of animals produced off property. Typical uses include animal auctions or livestock auction yards.
- B. Animal Sales and Services: Grooming - Grooming of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.
- C. Animal Sales and Services: Horse Keeping - Boarding, breeding or raising of horses not owned by the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables, riding arenas and trails.
- D. Animal Sales and Services: Kennels - Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog training centers, or breeding establishments.

- E. Animal Sales and Services: Stockyards - Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.
- F. Animal Sales and Services: Veterinary (Large Animals) - Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.
- G. Animal Sales and Services: Veterinary (Small Animals) - Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals.

SECTION 93.005 - AUTOMOTIVE AND HEAVY EQUIPMENT

Automotive and Heavy Equipment refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales and services. The following are automotive and heavy equipment use types:

- A. Automotive and Equipment: Cleaning - Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- B. Automotive and Equipment: Fleet Storage - Fleet storage of vehicles used regularly in business operations and not available for sale or long-term storage. Typical uses include taxi fleets, mobile-catering truck storage or auto storage garages.
- C. Automotive and Equipment: Parking - Parking of motor vehicles on temporary basis within a privately-owned off-street parking with or without a fee. Typical uses include commercial parking lots or garages.
- D. Automotive and Equipment: Repairs, Heavy Equipment - Repairs of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc., as well as the sale, installation and servicing of automobile equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
- E. Automotive and Equipment: Repairs, Light Equipment - Repair of automobiles and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages or auto glass shops.
- F. Automotive and Equipment: Sales/Rentals, Farm Equipment - Sales, retail or wholesale and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.

- G. Automotive and Equipment: Sales/Rentals, Heavy Equipment - Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, or heavy construction equipment dealers.
- H. Automotive and Equipment: Sales/Rentals, Light Equipment - Sales, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, or car rental agencies or recreational vehicles sales and rental agencies.
- I. Automotive and Equipment: Storage, Nonoperating Vehicles - Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impoundment yards.
- J. Automobile Wrecking Yard - Any property where three or more vehicles not in running conditions or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered for sale or not for sale, and not enclosed; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months. Automobile wrecking yard shall not be construed to mean scrap yard junk or salvage and not include the incidental storage of inoperative or disabled vehicles in connection with the operation of an automobile repair garage, automobile body and fender repair shop or automobile impound yard. Automobile wrecking yards must be licensed by both the State Motor Vehicle Department and the County Uniform Fire Code.

SECTION 93.006 - BUILDING MAINTENANCE SERVICES

The Building Maintenance Services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than those to individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

SECTION 93.007 - BUSINESS EQUIPMENT SALES AND SERVICE

The Business Equipment Sales and Service use type refers to establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine shops or hotel equipment and supply firms.

SECTION 93.008 - BUSINESS SUPPORT SERVICES

The Business Support Services use type refers to establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than to individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.

SECTION 93.009 - COMMUNICATIONS SERVICES

The Communications Services use type refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Extensive Impact Services and Utilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

SECTION 93.010 - CONSTRUCTION SALES AND SERVICES

The Construction Sales and Services use type refers to establishments or places of business primarily engaged in construction activities and storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Heavy Equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

SECTION 93.011 - EATING AND DRINKING ESTABLISHMENTS

The Eating and Drinking Establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical uses include restaurants, short-order eating places or bars.

SECTION 93.012 - EXPLOSIVE STORAGE

The Explosive Storage use type refers to the storage of any quantity of explosives having a power equal to or greater than that of ordinary black powder, excluding fixed ammunition for small arms. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

SECTION 93.013 - FINANCE, INSURANCE, AND REAL ESTATE SERVICES

The Finance, Insurance and Real Estate Services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies or real estate firms.

SECTION 93.014 - FOOD AND BEVERAGE RETAIL SALES

The Food and Beverage Retail Sales use type refers to establishments or places of business primarily engaged in the retail sales of food and beverages for home consumption. Typical uses include groceries, liquor stores or delicatessens.

SECTION 93.015 - FUNERAL AND INTERMENT SERVICES

Funeral and interment services refers to establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. The following are funeral and interment services use types:

- A. Funeral and Interment Services: Cremating - Crematory services involving the purification and reduction of the human body by fire. Typical use include crematories or crematoriums.
- B. Funeral and Interment Services: Interring - Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums, mausoleums, or cinerariums.
- C. Funeral and Interment Services: Undertaking - Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

SECTION 93.016 - GASOLINE SALES

The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

SECTION 93.017 - LAUNDRY SERVICES

The Laundry Services use type refers to establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include laundry agencies, diaper services or linen supply services.

SECTION 93.018 - MEDICAL SERVICES

The Medical Services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

SECTION 93.019 - PARTICIPANT SPORTS AND RECREATION

The Participant Sports and Recreation use type refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. Participant sports and recreation use types include those uses conducted with an enclosed building, such as bowling alleys or billiard parlors, and those uses conducted in open facilities such as driving ranges, miniature golf courses, or hunting and fishing camps.

SECTION 93.020 - PERSONAL SERVICES

The Personal Services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature, but excludes services classified as Spectator Sport and Entertainment, Participant Sports and Recreation, or Transient Habitation. Typical uses include photography studios, driving schools or reducing salons.

SECTION 93.021 - REPAIR SERVICES

The Repair Services use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair shops, apparel repair firms, or instrument repair firms.

SECTION 93.022 - RESEARCH SERVICES

The Research Services use type refers to establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

SECTION 93.023 - RETAIL SALES

The Retail Sale use type refers to places of business primarily engaged in the sale of commonly used goods and merchandise, but excludes those classified as Agricultural Supplies and Services, Animal Sales and Services, Automobile and Equipment, Business Equipment Sales and Services, Construction Sales and Services, Food and Beverage Retail Sales and Gasoline Sales.

SECTION 93.024 - SCRAP OPERATIONS

The Scrap Operations use type refers to places of business primarily engaged in storage, dismantling or other processing of used or waste materials which are intended for re-use in their original form. Typical uses include junk yards or paper salvage yards.

SECTION 93.025 - SPECTATOR SPORTS AND ENTERTAINMENT

The Spectator Sports and Entertainment use type refers to establishments or places primarily engaged in the provision of cultural, entertainment, athletic and other events to spectators as well as those involving social or fraternal gatherings. Spectator sports and entertainment use types include those uses conducted both within open facilities or within an enclosed building. Typical uses include small theaters, meeting halls, large exhibition halls, or sports stadiums, but exclude those classified as Extensive Impact use types.

SECTION 93.026 - TRANSIENT HABITATION

Transient habitation refers to establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are transient habitation use types.

- A. Transient Habitation: Campground - Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
- B. Transient Habitation: Lodging - Lodging services involving the provision of room and/or board. Typical uses include motels and hotels.
- C. Transient Habitation: Resort - Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, dude ranches, health spas, resort hotels and motels, and recreation camps.

SECTION 93.027 - WHOLESALING, STORAGE, AND DISTRIBUTION

Wholesaling, Storage and Distribution refers to establishments or places of business primarily engaged in wholesaling, storage, distribution and open-air handling of materials and equipment other than live animals and plants. The following are wholesaling, storage distribution use types:

- A. Wholesaling, Storage and Distribution: Light - Wholesaling, storage and warehouse services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, and mini-warehouses.
- B. Wholesaling, Storage and Distribution: Heavy - Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, open storage yards, or petroleum storage facilities.

SECTION 93.028 - AIRPORT

The Airport use type refers to privately operated, commercial airports.

ARTICLE 94 - INDUSTRIAL USE TYPES

SECTION 94.001 - GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES

Industrial use types include the on-site production of goods by methods other than agricultural or extractive in nature. They also include certain uses accessory to the above.

SECTION 94.002 - CUSTOM MANUFACTURING

The Custom Manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools, domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacture.

SECTION 94.003 - GENERAL INDUSTRIAL

The General Industrial use type refers to industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and property.

SECTION 94.004 - HEAVY INDUSTRIAL

The Heavy Industrial use type refers to all other industrial plants such as processing of raw materials, pulp mills, malt plants, petroleum refining and explosive manufacturing.

ARTICLE 95 - AGRICULTURAL USE TYPES

SECTION 95.001 - GENERAL DESCRIPTION OF AGRICULTURAL USE TYPES

Agricultural use types include the on-site production of plant and animal products by agricultural and silvicultural methods. They also include certain uses accessory to the above.

SECTION 95.002 - HORTICULTURE

Horticulture refers to premises primarily devoted to horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. The following are horticulture use types:

- A. Horticulture: Cultivation - Cultivation of plants for wholesale sales.
- B. Horticulture: Storage - Storage of plants, primarily in containers, for wholesale sales.

SECTION 95.003 - TREE CROPS

The Tree Crops use type refers to premises primarily devoted to the cultivation for sale of tree-grown agricultural products such as apples, cherries and other fruits, including their storage, packing, and shipping.

SECTION 95.004 - ROW AND FIELD CROPS

The Row and Field Crops use type refers to premises primarily devoted to the cultivation for sale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers, including their storage, packing, and shipping.

SECTION 95.005 - FORESTRY

The Forestry use type refers to premises primarily devoted to the development, production and processing of forest products, as well as those related to forest uses including recreational. Typical uses include logging operations, watershed protection and wildlife habitat.

SECTION 95.006 - ANIMAL RAISING

Animal Raising refers to premises where animals are fed or kept for animal products, animal increase or value increase. The following are animal raising use types:

- A. Animal Raising: Small Animals - Raising and keeping of small animals such as hamsters, poultry, rabbits, and turkeys.

- B. Animal Raising: Large Animals - Raising and keeping of large animals such as cattle and sheep on such premises as dairies, feedlots, horse ranches or pig farms.
- C. Animal Raising: Specialty - Raising and keeping of animals not including the above animals in Sections A and B, but including bees, birds, amphibians, or insects.
- D. Animal Raising: Non Domestic - Raising and keeping of game or dangerous animals such as cougar, bobcat, deer, and poisonous snakes.
- E. Animal Raising: Aquatic Species - Raising, keeping and harvesting of such species.

SECTION 95.007 - ANIMAL WASTE PROCESSING

The Animal Waste Processing use type refers to the processing of animal waste or by-products, including but not limited to animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

SECTION 95.008 - PACKING AND PROCESSING

The Packing and Processing use type refers to packing of agricultural crops, animals and their by-products which entails more than picking, cutting, sorting, and boxing or crating and does include canning, rendering, tanning or reduction of meat. Typical uses include the packing or processing of crops, animals or their by-products regardless of where they were grown.

SECTION 95.009 - PRIMARY PROCESSING OF FOREST PRODUCTS

The primary processing of forest products includes the packing, storage and shipment of plant material collected on forest lands, and the manufacture, storage and shipment of wood products including dimension lumber, fenceposts, firewood, and wood chips or sawdust and the like. Primary processing does not include pulp and paper mills, plywood, particle board and hardboard manufacture, furniture making or other processes utilizing inputs other than raw materials of forest origin.

ARTICLE 96 - EXTRACTIVE USE TYPES

SECTION 96.001 - GENERAL DESCRIPTION OF EXTRACTIVE USE TYPES

Extractive use types include the on-site production of mineral products or geothermal resources by extractive methods. They also include certain uses accessory to the above.

SECTION 96.002 - MINERAL EXTRACTION

The Mineral Extraction use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and non-metallic minerals, oil or gas together with essential on-site processing and production of only non-metallic mineral products. Typical places are barrow pits, oil and gas drilling rigs or concrete batch plants.

SECTION 96.003 - MINERAL EXPLORATION

The Mineral Exploration use type refers to the work of investigating a mineral deposit to determine by geological surveys, geophysical surveys, geochemical surveys, bore holes, pits and underground workings it is feasible to mine. Exploration is undertaken to gain knowledge of the size, shape, position, characteristics, and value of the deposit.

ARTICLE 97 - NONCONFORMING USES

SECTION 97.001 - PURPOSE

The purpose of these regulations is to control, improve, or terminate uses which do not conform to the Land Development Code.

SECTION 97.002 - NONCONFORMING USE DEFINED

Nonconforming use includes any of the following which were lawfully established before the effective date of this Code:

- A. A building, structure (including signs), land use, or activity which was established or is conducted in a manner which does not conform with one or more standards or permit requirements of this code.
- B. A use of land established in a location where such use is not identified as allowable by this Code.

SECTION 97.003 - RIGHT TO CONTINUE NONCONFORMING USE

A nonconforming use established prior to the effective date of this Code, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained, except as otherwise provided by this chapter. Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

SECTION 97.004 - ISSUED BUILDING PERMIT

Nothing contained in this Code shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has been issued and for which substantial site work has been lawfully completed prior to the effective date of this Code.

SECTION 97.005 - NONCONFORMITY DUE TO LACK OF CONDITIONAL USE PERMIT

Any nonconforming use which is nonconforming only because of the absence of a conditional use permit shall be deemed a conforming use upon securing the approval of such permit.

SECTION 97.006 - NONCONFORMING USES OF LAND

Any nonconforming use of land may be continued as follows:

- A. Expansion - The use may not be enlarged, increased, or extended to occupy a greater area of land than that occupied by such use on effective date of this Code.

- B. Discontinued Use - If the nonconforming use of land is discontinued for a period of two (2) years or more, any following use is to be in conformity with all applicable requirements of this Code.

The use of a mobile home site for which all of the necessary utilities are in place may be resumed after a discontinuance of longer than two years subject to the granting of a Conditional Use Permit.

In the case of mineral and aggregate extraction sites, if the nonconforming commercial mining activity is discontinued for a period of five (5) to fifteen (15) years, a resumption of mining activity shall be subject to review by the Planning Director. The Planning Director shall approve the resumption of mining upon a finding that residential development in the area would not result in conflicts with mining. Nonconforming mining activities discontinued for a period of fifteen (15) years or longer shall be subject to review as provided by Articles 44 and 82.

- C. Single Family Residential Use - A detached single family residence existing as a principal use may be continued as a residential use subject to Subsection B of this section, and may be altered, provided that no increase in the number of dwelling units, or increase greater than 25% in the usable floor area occurs. Any expansion pursuant to this standard is to be in accordance with all applicable provisions of this Code.

SECTION 97.007 - NONCONFORMING USES OF A CONFORMING BUILDING

The use of a building which is in conformity with the provisions of this Code for a nonconforming use may be continued as follows:

- A. Extension of Use - The use may be extended throughout the building provided no structural alterations to the building are made except those required by law or ordinance.
- B. Discontinued Use - If the nonconforming use of the building is discontinued for a period of one (1) year or more, any following use of the structure is to be in conformity with all applicable requirements of this Code.

SECTION 97.008 - NONCONFORMING STRUCTURES

Any structure which does not conform to the yard, height, or coverage requirements specified in this Code may continue to be used provided that:

- A. Alterations and Expansions - The structure was established and has been maintained in a lawful manner and condition and is not altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinance.

- B. Damaged or Destroyed Structures - If a nonconforming structure is damaged or destroyed by fire, explosion, or Act of God, the destroyed structure may be replaced with a structure of similar characteristics provided that the original yards are not reduced and the original heights or land coverages are not increased.

SECTION 97.009 - SUBSTITUTION OF USE

A nonconforming use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted for the zone in which the property is located.

- A. The new use constitutes a conversion, as provided in Section 117.010.
- B. Any modifications or alterations to the structure occur as provided by Section 117.008; and
- C. Where a building or site does not conform with the parking standards of Article 68 of this Code, substitution shall not occur unless:
 - 1. The new use is required to provide the same number of parking spaces as the existing use, in which case no additional parking is required; or
 - 2. Where new use is required to have a greater number of spaces than the existing use, the number of spaces provided is to be the difference between those required for the new use and those required for the existing uses.

SECTION 97.010 - CONVERSION OF USE

Any nonconforming use may be changed to an allowable use provided that all applicable permit requirements and standards of this Code are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use shall not be resumed.

SECTION 97.011 - NONCONFORMING PARCELS

- A. Legal Nonconforming Parcel and Lot Defined - Any parcel or lot having an area less than the smallest minimum lot size required or having a frontage, width, or depth less than the minimum prescribed by this Code or other ordinances, is a legal nonconforming parcel or lot if:
 - 1. The parcel or lot is shown on a duly approved and recorded partition or subdivision map; or
 - 2. The parcel or lot was created by means which were consistent with applicable legal requirements at the time it was created.

- B. Use of Nonconforming Parcels or Lots - A legal nonconforming parcel or lot may be used as follows:
1. Allowable Uses - A legal nonconforming parcel or lot may be used for any use permitted by the zone in which it is located, subject to all applicable requirements of the zone.
 2. Redivision - Any group of nonconforming parcels or lots may be redivided by partition or subdivision, provided that:
 - a. Such division is in accordance with all applicable requirements of this Code.
 - b. No parcel or lot is less than the minimum area required.