



# KLAMATH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

Building Division, Planning Division, Code Enforcement, On-Site Sanitation, Parks and Solid Waste Division  
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## WHAT IS A “BUILDABLE” LOT?

This guide provides information about basic zoning and land use issues reviewed when applying for a development permit in Klamath County. It is not to be considered a substitute for the language of the Klamath County Land Development Code (KCLDC).

### 1. PLAN AHEAD

Before starting any project check with the Planning Division for zoning and development requirements (883-5121, option 4). When you speak with a County planner, be sure to have your parcel number (township, range, section and tax lot number), address (if any) and site plan ready.

### 2. ZONING CLEARANCE

Check with the Planning Division to verify the zoning of the property. Examples of residential zones include Rural Residential (R-1, R-2, R-5, R-10) and Urban Residential (RS, RL, RM, RH). In residential zones a dwelling is a permitted use through the site plan review process. Depending on its location, the use may also be subject to zoning restrictions that require additional permits before a dwelling can be built. Uses in farm and forest zones that are on resource land are subject to special requirements of state law. Resource lands in Klamath County include Exclusive Farm Use (EFU), Forest (F) and Forest Range (FR) zones. There is no guarantee a dwelling will be permitted on resource zoned land. In resource zones a dwelling may be approved through a “Conditional Use Permit” (CUP). Conditions of such approvals must be satisfied before you can obtain a building permit. Commercial (CN, CG, CR, CT) and Industrial (IL, IH) zoned parcels allow for other types of non-residential development through the land use permit process.

#### **Note**

*Lots or parcels may become “nonconforming” as a result of zoning changes. Nonconforming lots or parcels are defined as those created before February 1, 1999 that do not meet the minimum lot area, width, or access requirements of the current Klamath County Land Development Code.*

### 3. SEPTIC AVAILABILITY

In areas where community sewage collection systems are not available, you will need to find out if your property can support a septic system and what type. You will also need to know the location of nearby domestic water sources, such as wells, to maintain adequate separation. For separation distance requirements and other regulations and fees regarding septic systems contact the On-Site Division (883-4200 ext. 6).

#### 4. LEGAL ACCESS

Legal access is required to develop property. Your property must either front a public road or reach a public road via a recorded easement over a private road. You may wish to get legal advice and/or have a title company research the deed records for easements. Klamath County will not issue building permits without proof of legal access to a public road.

#### 5. LEGAL LOT STATUS

In order to build on your property, your parcel must be a "legal lot". A legal lot is a unit of land that was created under the local and State laws in effect at the time. If your property was created before April 23, 1979 and it complied with all zoning requirements then in effect, it is considered a legal lot. If your property is a lot or parcel within a County approved subdivision or partition created after April 23, 1979 and consistent with ORS Chapter 92, or was reconfigured via an approved property line adjustment, your property is a legal lot.

**Note**

*A tax lot is a way to tax property. A piece of property is not necessarily a legal lot simply because it has a tax lot number and taxes have been paid. Also, a lot is not necessarily legal if the property is described under a separate deed or contract. A title search will not necessarily resolve legal lot status. Check with the Planning Division if you are not sure.*

#### 6. SETBACKS

Dwellings and other buildings must be set back a specified distance from public roads, property lines, public utility or access easements, and from streams, surface water bodies, and wetlands. Setbacks may differ from property to property due to varying development standards such as setbacks from resource lands and subdivision requirements. For setback requirements from structures contact the Planning Division.

#### 7. FLOOD PLAIN

Proximity to water bodies should be taken into consideration when placing your home or outbuildings. If your property is in close proximity to a water body, you will need to find out if the construction site is within a 1% chance flood hazard area (100 year flood plain). Flood hazard maps are available for review at the Planning Division. The exact location of the flood hazard area on your parcel and/or proposed dwelling site needs to be determined before applying for a building or placement permit. If the dwelling site is within the flood hazard area, you may need to get a "Flood Elevation Certificate" from a licensed surveyor or engineer and follow special flood hazard area regulations.

#### 8. WETLANDS

Wetland areas on your property may restrict development. Wetland maps are available for review at the Planning Division. The County does not regulate all wetlands, and the Oregon Department of State Lands may require separate permits. If wetlands are located on your property, the Planning Division is required to report any development proposal to the Department of State Lands.

#### 9. OTHER ZONING REQUIREMENTS

Your parcel may be subject to other land use restrictions and requirements. For instance, parcels that are located in any of the "Goal-5" resource designated habitat areas or sites for deer, elk, bald eagle etc. may have special restrictions and maybe reviewed and commented on by the Oregon Department of Fish and Wildlife before development is authorized.