

EXHIBIT IV (Approvals)

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

\_\_\_\_\_  
Planning Director

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

\_\_\_\_\_  
County Surveyor

Approved by the Klamath County Board of Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
County Commissioner

EXHIBIT V (Bonding Agreement)

An agreement and assurance of performance for the installation of (Type of Improvement) has been executed with the County Engineer this      day of      19     .

\_\_\_\_\_  
County Engineer

Or, if all improvements are installed prior to be 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    .

\_\_\_\_\_  
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.

County Assessor \_\_\_\_\_ By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

\* \* \* \* \*

**EXHIBIT VII (County Tax Collector 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 Tax Collector \_\_\_\_\_ By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

**EXHIBIT VIII (Filing Statement)**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

County Clerk \_\_\_\_\_  
By Deputy \_\_\_\_\_

\* \* \* \* \*

**EXHIBIT IX (Certification of the Copy)**

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

County Clerk \_\_\_\_\_  
By Deputy \_\_\_\_\_

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 that no sewage disposal facility will be provided to the purchaser 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 Oregon Public Utility Commission) hereby certify that a sewage disposal 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 Oregon Public Utility Commission), 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)**

**47.010 - PURPOSE**

The purpose of the quasi-judicial change of zone designation is to provide for revisions to the land use zone designation in response to individual land owner requests and a demonstrated need.

**47.020 - REVIEW PROCEDURE**

An application for a change of zone designation shall be reviewed according to the Hearings Officer Review Procedure (Article 24).

**47.030 - REVIEW CRITERIA**

- A. A request for a change of zone designation may only be approved if it meets all applicable review criteria.
- B. A request for a change of zone designation shall be reviewed against the following criteria:
  - 1. The proposed change of zone designation is in conformance with the Comprehensive Plan and does not afford special privileges to an individual property owner not available to the general public or outside the overall public interest for the change;
  - 2. The property affected by the change of zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with such zoning;
  - 3. The property affected by the proposed change of zone designation is properly related to streets and roads and to other public facilities and infrastructure to adequately serve the types of uses allowed in conjunction with such zoning;
  - 4. The proposed change of zone designation will have no significant adverse effect on the appropriate use and development of adjacent properties; and
  - 5. The proposed change is supported by specific studies or other factual information which documents the need for the change.

#### 47.040 - PROCESSING

Applications for a change of zone designation shall be processed as follows:

- A. Initiation - An application for a change of zone designation may be initiated by the owner, or agent of the owner, of the property proposed for the zone change. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for a change of zone designation shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be accompanied by a site plan drawn to the requirements of Section 41.060 and any other requirements of this code.
- C. Pre-application Conference - An application for a change of zone designation shall be subject to the pre-application procedures (Article 21).
- D. Filing Fee - An application for a change of zone designation shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- E. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the application shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- F. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30 day comment period, which begins on the day the notification letter is sent, has expired.
- G. Time Limitation - No request for a change of zone designation shall be considered by a review body within a one-year period immediately following a previous denial of such request.

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

**48.010 - PURPOSE**

The purpose of the quasi-judicial change of Comprehensive Plan designation and the corresponding implementing zone designation is to provide for revisions to the Comprehensive Plan map in response to individual land owner requests and changing public needs for the allocation and development of land in the County.

**48.020 - REVIEW PROCEDURE**

An application for a change of Comprehensive Plan designation may be reviewed jointly according to the Planning Commission Review Procedure (Article 26) and the Board of County Commissioners Review Procedure (Article 28).

**48.030 - REVIEW CRITERIA**

- A. A request for a change of Comprehensive Plan designation may only be approved if it meets all applicable review criteria;
- B. A request for a change of Comprehensive Plan designation shall be reviewed against the following criteria:
  - 1. The proposed change is supported by specific studies or other factual information which documents the public need for the change;
  - 2. The proposed change complies with policies of the Comprehensive Plan; and
  - 3. The proposed change complies with the Oregon State wide Planning Goals and Administrative Rules. Exceptions to the Statewide Planning Goals, shall be based upon Statewide Planning Goal 2, Part II (Exceptions) as interpreted by Oregon Administrative Rules (OAR Chapter 660, Division 4).

#### 48.040 - PROCESSING

Applications for a change of Comprehensive Plan designation shall be processed as follows:

- A. Initiation - An application for a change of Comprehensive Plan Designation shall be initiated by the owner, or agent of the owner, of the property proposed as the site of the Comprehensive Plan change. An agent's application shall be authorized in writing by the owner.
- B. Filing - An application for a change of Comprehensive Plan designation shall be filed on forms provided by the Planning Department, shall set forth in detail all necessary information, and shall be accompanied by a site plan drawn to the requirements of Section 41.060 and any other requirements of this code.
- C. Pre-application Conference - An application for a change of Comprehensive Plan designation shall be subject to the provisions of a pre-application conference (Article 21).
- D. Filing Fee - An application for a change of Comprehensive Plan designation shall be accompanied by a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
- E. Incomplete Applications - Applications which are found to be incomplete or inaccurate by the Planning Director or his/her designee shall be returned to the applicant within 5 days of submittal along with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice in which to submit an amended application. If the applicant fails to complete or correct the application within the time provided, the applicant shall be deemed complete and transmitted to the appropriate review body with a recommendation for denial.
- F. Within 5 days of receiving an application, the Planning Director or his/her designee shall check the National Wetlands Inventory maps, located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands on a form provided. A copy of the letter shall be sent to the applicant. A final decision on the application cannot be rendered until the 30 day comment period, which begins on the day the notification letter is sent, has expired.
- G. Time Limitation - No request for a change of Comprehensive Plan designation shall be considered by a review body within a one-year period immediately following a previous denial of such request.

**ARTICLE 49**  
**LEGISLATIVE AMENDMENT TO THE KLAMATH COUNTY**  
**COMPREHENSIVE PLAN, LAND DEVELOPMENT CODE, OR ZONING MAP**

**49.010 - PURPOSE**

The purpose of amendments to the Klamath County Comprehensive Plan or Land Development Code is to provide for changes based on periodic assessments of development patterns and land use allocations or public need, and in order to carry out the Oregon Statewide Planning Goals or state statutes. Amendments to the Comprehensive Plan shall be based on new information and an overall public need for the change, and shall be made as the result of periodic studies or reviews. Amendments to the Land Development Code shall be made in response to amendments to the Comprehensive Plan, or to provide for the continued efficient administration of this code.

**49.020 - REVIEW PROCEDURE**

Amendments to the Comprehensive Plan or Land Development Code shall be made according to the Planning Commission Review Procedure (Article 26) and the Board of County Commissioners Review Procedures (Article 28). Public hearings may be scheduled jointly or separately at the discretion of the Board of County Commissioners.

**49.030 - REVIEW CRITERIA**

- A. An amendment to the Comprehensive Plan or Land Development Code may only be approved if it meets all applicable review criteria.
- B. An amendment to the Comprehensive Plan or Land Development Code shall be reviewed against the following criteria:
  - 1. The proposed amendment is supported by specific studies or other factual information which documents the public need for the change;
  - 2. The proposed amendment complies with policies of the Comprehensive Plan; and
  - 3. The proposed amendment complies with the Oregon Statewide Planning Goals and state statutes.

49.040 - PROCESSING

Applications for amendments to the Comprehensive Plan or Land Development Code shall be processed as follows:

- A. Initiation by the Planning Director - The Planning Director may initiate proceedings to amend the Comprehensive Plan or Land Development Code by informing the Planning Commission Chairperson and the Board of County Commissioners Chairperson of the proposal, and acting to schedule a public hearing pursuant to Chapter 30.
- B. Initiation by the Planning Commission - The Planning Commission may direct the Planning Director to prepare amendments to the Comprehensive Plan or Land Development Code for its consideration, and to schedule a public hearing pursuant to Chapter 30.
- C. Initiation by the Board of County Commissioners - The Board of County Commissioners may direct the Planning Director to prepare amendments to the Comprehensive Plan or Land Development Code for the consideration of the Planning Commission and Board of County Commissioners, and to schedule a public hearing pursuant to Chapter 30.
- D. Initiation by a citizen - A citizen may initiate an amendment to the Klamath County Comprehensive Plan and the Land Development Code for the consideration of the Planning Commission and the Board of Commissioners. A public hearing will be scheduled pursuant to Chapter 30. A fee shall be charged for such an application
- E. Amendments to the Urban Growth Boundary or Urban Growth Boundary Management Agreement - Amendments may be initiated by the County, the affected city or by a county or city resident or property owner in accordance with the provisions of the respective County-City Urban Growth Boundary Management Agreement.

**CHAPTER 50  
LAND USE ZONES**

**ARTICLE 50  
BASIC PROVISIONS**

**50.010 - PURPOSE**

The purposes of this chapter are to establish land use zones required to implement the goals and policies of the Klamath County Comprehensive Plan, 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:

- 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 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 open 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; and
- F. To further the goals and policies of the Klamath County Comprehensive Plan.

## 50.020- LIST OF BASIC ZONES

The following basic zones are established:

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

## 50.030 - LIST OF SPECIAL PURPOSE ZONES

The following special purpose zones are established:

SRO	Significant Resource Overlay
ASK	Airport Safety Overlay - Kingsley Field
ANK	Airport Noise Overlay - Kingsley Field
AS	Airport Safety Overlay - Beaver Marsh, Chiloquin, Crescent Lake and Malin
FHZ	Flood Hazard Overlay
GEO	Geothermal Overlay
LU	Limited Use Overlay

**ARTICLE 51  
RURAL COMMUNITY RESIDENTIAL (RCR)**

**51.010 - PURPOSE**

The purpose of this zone is to establish and maintain areas within rural communities for residential uses where existing parcel sizes are generally under one acre and where the availability of water and sewer systems makes the existence of such parcels feasible.

**51.020 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Single-family dwelling
- B. Manufactured Home
- C. Essential Services
- D. Small Animals - not to exceed 24 animals per acre
- E. Large Animals if lot is over 20,000 square feet, not more than 2 animals per acre
- F. Home Day Care
- G. Residential Care Home
- H. Accessory Buildings and Uses
- I. Community Park
- J. Residential Care Facility

**51.030 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Multiple-family dwelling
- B. Schools
- C. Community Assembly
- D. Churches
- E. Mobile Home Park
- F. Extensive Impact Services and Utilities
- G. Cemeteries
- H. Kennel
- I. Bed and Breakfast
- J. Emergency Services
- K. Mobile Home

51.040 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 5,000 square feet
- B. Residential Density - 1 dwelling per lot or parcel
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

## ARTICLE 51.2 RURAL RESIDENTIAL (R-5)

### 51.210 - PURPOSE

The purpose of this zone is to establish and maintain areas for rural residential uses. This zone allows for large lot residential uses and for small-scale hobby farming. The zone also serves as a buffer between urban uses and natural resource areas.

Typically, this zone is appropriate in rural or semi-rural areas where the existing land use pattern consists of lots greater than one acre in size. This zone may be applied where existing or proposed public facilities and services appropriately serve a density of less than one dwelling per 5 acres, or where there is a transition between urban levels of service and rural areas of service.

### 51.220 - PERMITTED USES

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Single-family dwelling
- B. Manufactured Home
- C. Essential Services
- D. Small Animals - not to exceed 24 animals per acre
- E. Large Animals - not to exceed 2 animals per acre)
- F. Home Day Care
- G. Residential Care Home
- H. Accessory Buildings and Uses
- I. Community Park
- J. Emergency Services
- K. Residential Care Facility

### 51.230 - CONDITIONAL USES

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Animal Raising, specialty
- B. Mobile Home Park
- C. Additional dwelling if lot or parcel size is greater than 10 acres
- D. Extensive Impact Services and Utilities
- E. Cemeteries
- F. Schools
- G. Community Assembly
- H. Churches

- I. Kennel
- J. Bed and Breakfast
- K. Mobile Home

**51.240 - PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Lot Size - 5 Acres
- B. Residential Density - 1 dwelling per lot or parcel, or one dwelling per five acres
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 51.3  
RURAL RESIDENTIAL (R-1)**

**51.310 - PURPOSE**

The purpose of this zone is to establish and maintain areas for rural residential uses. This zone allows for large lot residential uses and for small-scale hobby farming. The zone also serves as a buffer between urban uses and natural resource areas.

Typically, the zone is appropriate in rural or semi-rural areas where the existing rural land use pattern consists of lots less than one acre in size. This zone may be applied where existing or proposed public facilities or services appropriately serve a density of one dwelling per acre, or where there is a transition between urban levels of service and rural levels of service.

**51.320 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such use:

- A. Single-family dwelling
- B. Manufactured Home
- C. Essential Services
- D. Small Animals - not to exceed 24 animals per acre
- E. Large Animals - not to exceed 2 animals per acre
- F. Home Day Care
- G. Residential Care Home
- H. Residential Care Facility
- I. Accessory Buildings and Uses
- J. Community Park
- K. Emergency Services

**51.330 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Mobile Home Park
- B. Additional dwelling if lot or parcel size is greater than 2 acres
- C. Extensive Impact Services and Utilities

- D. Cemeteries
- E. Schools
- F. Community Assembly
- G. Churches
- H. Animal Raising - Specialty
- I. Kennel
- J. Bed and Breakfast
- K. Mobile Home

**51.340 - PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Lot Size - 1 Acre
- B. Residential Density - 1 dwelling per lot or parcel, or one dwelling per one acre
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 51.5**  
**SUBURBAN RESIDENTIAL (RS)**

**51.510 - PURPOSE**

The purpose of this zone is to establish and maintain suburban areas for residential use. This zone serves to implement the Comprehensive Plan calling for use of 1 to 4 dwellings units per acre. Typically, this zone is appropriate for neighborhoods where the majority of the lots are large enough to maintain domesticated animals.

**51.520 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such uses:

- A. Single-family dwelling
- B. Manufactured Home
- C. Essential Service
- D. Home Day Care
- E. Residential Care Home
- F. Residential Care Facility
- G. Small Animals - not to exceed 24 animals per acre
- H. Large animals if lot is over 20,000 square feet; not more than 2 animals per acre
- I. Accessory Buildings and Uses
- J. Community Park

**51.530 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Additional dwelling if lot or parcel size is greater than 20,000 square feet
- B. Mobile Home Park
- C. Extensive Impact Services and Utilities
- D. Cemeteries
- E. Schools
- F. Community Assembly
- G. Churches
- H. Kennel
- I. Emergency Services
- J. Mobile Home

51,540 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 10,000 square feet
- B. Residential Density - 1 dwelling per lot or parcel, or one dwelling per 10,000 square feet
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 51.6**  
**LOW DENSITY RESIDENTIAL (RL)**

**51.610 - PURPOSE**

The purpose of this zone is to establish and maintain areas suitable for low density residential uses. The Low Density Residential zone is intended to implement the Comprehensive Plan designation calling for an optimum residential density between 1 and 6 dwellings per acre.

**51.620 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such uses:

- A. Single-family dwelling
- B. Manufactured Home
- C. Essential Services
- D. Home Day Care
- E. Residential Care Facility
- F. Residential Care Home
- G. Accessory Buildings and Uses
- H. Community Park

**51.630 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Schools
- B. Community Assembly
- C. Churches
- D. Cemetery
- E. Extensive Impact Services and Utilities
- F. Emergency Services
- G. Mobile Home

51.640 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 7,000 square feet
- B. Residential Density - 1 dwelling per lot
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 51.7**  
**MEDIUM DENSITY RESIDENTIAL (RM)**

**51.710 - PURPOSE**

The purpose of this zone is to establish and maintain areas for single-family and duplex residences. The Medium Density Residential zone is intended to implement the Comprehensive Plan calling for an optimum residential density up to 8 dwelling units per acre.

**51.720 - PERMITTED USES**

The following shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such uses:

- A. Single-family dwelling
- B. Duplex
- C. Manufactured Home
- D. Mobile Home Park
- E. Essential Services
- F. Home Day Care
- G. Residential Care Facility
- H. Residential Care Home
- I. Accessory Buildings and Uses
- J. Community Park

**51.730 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Multifamily dwelling
- B. Schools
- C. Community Assembly
- D. Churches
- E. Cemetery
- F. Extensive Impact Services and Utilities
- G. Emergency Services
- H. Mobile Home

51.740 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 5,000 square feet
- B. Residential Density - 1 single-family dwelling unit per lot, or 1 duplex or multifamily dwelling per 8,000 square feet
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 51.8**  
**HIGH DENSITY RESIDENTIAL (RH)**

**51.810 - PURPOSE**

The purpose of this zone is to provide and maintain higher densities of dwelling units in urban areas where the level of public services can adequately accommodate such development. The High Density Residential zone is appropriate in areas near schools, recreation, employment and transportation services. This zone is intended to implement the Comprehensive Plan calling for residential densities of up to 24 dwelling units per acre.

**51.820 - PERMITTED USES**

The following shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such uses:

- A. Multifamily dwelling
- B. Mobile Home Park
- C. Essential Services
- D. Home Day Care
- E. Residential Care Facility
- F. Residential Care Home
- G. Accessory Buildings and Uses
- H. Community Park

**51.830 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Single-Family dwelling
- B. Duplex
- C. Manufactured Home
- D. Schools
- E. Community Assembly
- F. Churches
- G. Cemetery
- H. Extensive Impact Services and Utilities
- I. Emergency Services

51.840 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 10,000 square feet, 10-24 units per acre
- B. Residential Density - 1 single-family dwelling per lot, or 1 multiple-family dwelling unit per 2,000 square feet
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 52.2**  
**NEIGHBORHOOD COMMERCIAL (CN)**

**52.210 - PURPOSE**

The purpose of this zone is to establish and maintain places for limited retail sales and services that are accessible and convenient to nearby residents. The Neighborhood Commercial zone is applied to areas serving only a limited, local market, and is intended to permit only those uses which do not create adverse impacts that are incompatible with nearby residences.

**52.220 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Administrative Services
- B. Community Park
- C. Essential Services
- D. Medical Services
- E. Parking Services
- F. Food and Beverage Sales
- G. Personal Services
- H. Professional Offices
- I. Repair Services
- J. Retail Sales
- K. Accessory Buildings and Uses

**52.230 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Community Assembly
- B. Schools
- C. Extensive Impact Services and Utilities
- D. Churches
- E. Auto Service Station
- F. Food and Beverage Service
- G. Emergency Services

52.240 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 10,000 square feet
- B. Maximum Building Gross Floor Area per Use - 3,000 square feet  
  
In no case shall the Gross Floor Area for one structure or group of structures treated as a common whole exceed 15,000 square feet
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

**ARTICLE 52.4  
GENERAL COMMERCIAL (CG)**

**52.410 - PURPOSE**

The purpose of this zone is to the establish and maintain places for a full range of retail goods and services available to a large area.

**52.420 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Administrative Service
- B. Emergency Services
- C. Essential Services
- D. Medical Services
- E. Parking Services
- F. Agricultural Supplies and Services
- G. Auto Sales/Rentals/Service
- H. Auto Repairs
- I. Auto Service Station
- J. Building and Garden Sales
- K. Entertainment Facilities
- L. Farm Equipment Sales/Rentals/Service
- M. Fleet Storage
- N. Food and Beverage Sales
- O. Food and Beverage Service
- P. General Merchandise Sales
- Q. Heavy Equipment Sales/Rentals/Service
- R. Home Furnishings and Appliances
- S. Manufactured Dwelling Sales
- T. Personal Services
- U. Professional Offices
- V. Repair Services
- W. Retail Sales
- X. Warehousing, Storage and Distribution - light
- Y. Custom Manufacturing
- Z. Accessory Buildings and Uses
- AA. Mini Storage Facility

**52.430 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Community Assembly
- B. Schools

- C. Cultural Services
- D. Extensive Impact Services and Utilities
- E. Churches
- F. Commercial Campground
- G. Heavy Equipment Repairs
- H. Large Animal Veterinary Services
- I. Indoor Sports and Recreation
- J. Kennel
- K. Truck Stop
- M. Auto Wrecking Yard
- N. Worker Residential
- O. Mobile Home Park

**52.440 - PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Lot Size - 5,000 square feet
- B. Lot Size and Shape - See Article 61
- C. Building Heights and Setbacks - See Article 62
- D. Fences, Walls and Screening - See Article 64
- E. Landscaping - See Article 65
- F. Signs - See Article 66
- G. Parking - See Article 68
- H. Access - See Article 71

**ARTICLE 52.6**  
**RECREATIONAL COMMERCIAL (CR)**

**52.610 - PURPOSE**

The purpose of this zone is to establish and maintain places for recreational facilities and accessory services available to a large area or region.

**52.620 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Administrative Service
- B. Community Park
- C. Golf Course
- D. Essential Services
- E. Medical Services
- F. Auto Service Station
- G. Commercial Campground
- H. Food and Beverage Sales
- I. Food and Beverage Service
- J. Commercial Stables
- K. Hotel/Motel
- L. Resort
- M. Retail Sales
- N. Emergency Services
- O. Accessory Buildings and Uses

**52.630 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Bed and Breakfast
- B. Community Assembly
- C. Cultural Services
- D. Extensive Impact Services and Utilities
- E. Churches
- F. Custom Manufacturing
- G. Worker Residential

52.640 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 1 acre
- B. Lot Size and Shape - See Article 61
- C. Building Heights and Setbacks - See Article 62
- D. Fences, Walls and Screening - See Article 64
- E. Landscaping - See Article 65
- F. Signs - See Article 66
- G. Parking - See Article 68
- H. Access - See Article 71

**ARTICLE 52.8  
TRANSPORTATION COMMERCIAL (CT)**

**52.810 - PURPOSE**

The purpose of this zone is to establish and maintain places for sales and services primarily related to transportation and utility industries. The Transportation Commercial zone is appropriate for commercial uses associated with highway, rail or air transportation.

**52.820 - PERMITTED USES**

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Administrative Services
- B. Essential Services
- C. Medical Services
- D. Parking Services
- E. Auto Sales/Rentals/Services
- F. Auto Repairs
- G. Auto Service Station
- H. Fleet Storage
- I. Food and Beverage Sales
- J. Food and Beverage Service
- K. Heavy Equipment Repairs
- L. Heavy Equipment Sales/Rentals/Service
- M. Hotel/Motel
- N. Manufactured Dwelling Sales
- O. Repair Services
- P. Truck Stop
- Q. Warehousing, Storage and Distribution - light
- R. Emergency Services
- S. Accessory Buildings and Uses
- T. RV Campgrounds
- U. Mini Storage Facility

**52.830 - CONDITIONAL USES**

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Extensive Impact Services and Utilities
- B. Farm Equipment Sales/Rentals/Service
- C. Indoor Sports and Recreation
- D. Warehousing, Storage and Distribution - heavy
- E. Auto Wrecking Yard
- F. Worker Residential

52.840 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 5,000 square feet
- B. Lot Size and Shape - See Article 61
- C. Building Heights and Setbacks - See Article 62
- D. Fences, Walls and Screening - See Article 64
- E. Landscaping - See Article 65
- F. Signs - See Article 66
- G. Parking - See Article 68
- H. Access - See Article 71

## ARTICLE 53.2 LIGHT INDUSTRIAL (IL)

### 53.210 - PURPOSE

The purpose of this zone is to establish and maintain places where manufacturing, storage and wholesale 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.

### 53.220 - PERMITTED USES

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Administrative Services
- B. Essential Services
- C. Parking Services
- D. Agricultural Packing and Processing
- E. Agricultural Supplies and Services
- F. Auto Sales/Rentals/Service
- G. Auto Repairs
- H. Building and Garden Sales
- I. Fleet Storage
- J. Heavy Equipment Repairs
- K. Heavy Equipment Sales/Rentals/Service
- L. Manufactured Dwelling Sales
- M. Warehousing, Storage and Distribution - heavy
- N. Warehousing, Storage and Distribution - light
- O. Custom Manufacturing
- P. General Manufacturing
- Q. Secondary Processing of Forest Products
- R. Mineral Processing, except Mining
- S. Accessory Buildings and Uses
- T. Mini Storage Facility

### 53.230 - CONDITIONAL USES

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Extensive Impact Services and Utilities
- B. Agricultural Waste Processing
- C. Stockyards
- D. Auto Wrecking Yard
- E. Scrap Operations
- F. Worker Residential
- G. Food and Beverage Service

53.240 - PROPERTY DEVELOPMENT STANDARDS

- A. No parcel planned and zoned for industrial use as of November 15, 1990, shall be further partitioned or subdivided except for a specific industrial use listed in Section 53.220 or Section 53.230, and verification is provided in the form of the following:
  - 1. A letter of credit or other verification that funds or financing has been secured or approved for the proposed use; and
  - 2. Construction working drawings for the proposed facility; and
  - 3. A letter of intent from a prospective industrial company.
- B. Lot Size and Shape - See Article 61
- C. Building Heights and Setbacks - See Article 62
- D. Fences, Walls and Screening - See Article 64
- E. Landscaping - See Article 65
- F. Signs - See Article 66
- G. Parking - See Article 68
- H. Access - See Article 71

## ARTICLE 53.4 HEAVY INDUSTRIAL (IH)

### 53.410 - PURPOSE

The purpose of this zone is to establish and maintain places 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.

### 53.420 - PERMITTED USES

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Essential Services
- B. Agricultural Packing and Processing
- C. Agricultural Waste Processing
- D. Stockyards
- E. Warehousing, Storage and Distribution - heavy
- F. Warehousing, Storage and Distribution - light
- G. Auto Wrecking Yard
- H. Custom Manufacturing
- I. General Manufacturing
- J. Heavy Industrial
- K. Scrap Operation
- L. Secondary Processing of Forest Products
- M. Mineral Processing, except Mining
- N. Mini Storage Facility

### 53.430 - CONDITIONAL USES

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Extensive Impact Services and Utilities
- B. Explosive and Hazardous Materials
- C. Food and Beverage Service
- D. Worker Residential
- E. Mining, provided the site follows the review procedure and meets criteria established in Section 81.040 of this Code.

53.440 - PROPERTY DEVELOPMENT STANDARDS

- A. No parcel planned and zoned for industrial uses as of November 15, 1990, shall be further partitioned or subdivided except for a specific industrial use listed in Section 53.420 or Section 53.430, and verification is provided in the form of the following:
  - 1. A letter of credit or other verification that funds or financing has been secured or approved for the proposed use; and
  - 2. Construction working drawings for the proposed facility; and
  - 3. A letter of intent from a prospective industrial company.
- B. Lot Size and Shape - See Article 61
- C. Building Heights and Setbacks - See Article 62
- D. Fences, Walls and Screening - See Article 64
- E. Landscaping - See Article 65
- F. Signs - See Article 66
- G. Parking - See Article 68
- H. Access - See Article 71

## ARTICLE 54 EXCLUSIVE FARM USE (EFU)

### 54.010 - PURPOSE

The purpose of the Exclusive Farm Use zones is to preserve and maintain agricultural lands for farm use 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 intent of these zone classifications is to provide the automatic farm use valuation for farms which qualify under the provisions of Oregon Revised Statutes, Chapter 308. Therefore, the Exclusive Farm Use zone is applied to those areas which meet the definition of "agricultural land" in Oregon's Statewide Planning Goal 3.

Further, the Exclusive Farm Use zones are intended to guarantee the preservation and maintenance of those areas so classified for farm use, free from conflicting non-farm uses and influences. Each zone is subject to change only in those instances where there is substantial evidence that such land is no longer suitable for agriculture or that there has been a significant and substantial change in the land needs in the County which clearly demonstrates that such land is needed for uses other than agriculture. Such determination shall not be based on the difference in the value of the land.

The Exclusive Farm Use-Cropland zone is applied to agricultural areas characterized by row crop, hay and livestock production in which there is no predominant parcel size. The Exclusive Farm Use-Cropland/Grazing zone is applied to areas of mixed cropland and grazing activities or potential. The Exclusive Farm Use-Grazing zone is for areas of predominantly range and grazing uses.

It is not the purpose or intent of the Exclusive Farm Use designation to restrict accepted farm or agricultural use of land.

### 54.015 - DEFINITIONS

For the purposes of this article, the following definitions as defined in Article 11 shall apply:

- A. Tract: one or more contiguous lots or parcels in the same ownership. Contiguous means connected in such a manner as to form a single block of land.

- B. Date of creation and existence: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfiguration means any change in the boundary of the lot, parcel or tract.
- C. Irrigated: means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider.
- D. Agricultural Land: Lands classified by the U.S. Soil Conservation Service as predominantly (51% or more) Class I-VI soils; lands in other soil classifications that are suitable for farm use as defined in ORS 215.203(2)(a), taking into account soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Agricultural land does not include land within acknowledged urban growth boundaries or within acknowledged exception areas for goals 3 and 4.
- E. High-Value Farmland: land in a tract composed predominantly (51% or more) of soils that, at the time the dwelling is approved for the tract are:
1. Irrigated and classified prime, unique, Class I, or Class II; or
  2. Not irrigated and classified prime, unique, Class I or Class II; or
  3. Shown to have grown specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For the purposes of this section, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture, or alfalfa.

#### 54.020 - PERMITTED USES

The following uses may be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Farm use.
- B. The propagation or harvesting of a forest product.
- C. Nonresidential buildings customarily provided in conjunction with farm use.

- D. Operations for the exploration for and production of geothermal resources and oil and gas including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
- E. Operations for the exploration for minerals. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
- F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
- G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result.
- H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- J. A replacement dwelling to be used in conjunction with farm use if the existing dwelling meets the definition of historic as defined in ORS 358.480, and has been listed in the County historical resources inventory as an historic property.
- K. Alteration, restoration, or replacement of lawfully established dwellings, provided such dwellings have intact exterior walls and roof structure, indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary disposal system; interior wiring for interior lights; and a heating system. In the case of replacement, the original dwelling must be removed, demolished, or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.
- L. The creation, restoration or enhancement of wetlands.
- M. Winery as described in ORS 215.452.
- N. Destination Resorts that meet the criteria of and follow the review process established in Article 88 of this Code. Destination Resorts are limited to areas designated in the ordinance as appropriate for this purpose.

#### 54.030 - CONDITIONAL USES

The following non-farm uses may be established subject to the criteria within each subsection in addition to the general criteria listed in Section 54.040 and the provisions of Article 44:

- A. Agricultural Packing and Processing.
- B. Agricultural Supplies and Services.
- C. Stockyards and Animal Sales.
- D. Agricultural Waste Processing.
- E. Operations conducted for the mining and processing of geothermal resources and oil and gas not otherwise permitted under Section 54.020.
- F. Operations conducted for the mining, crushing or stockpiling of aggregate and other mineral and subsurface resource sites inventoried in the Comprehensive Plan in excess of 1,000 cubic yards of material or where the surface area of the site is more than 1 acre.
- G. Operations conducted for processing of aggregate into asphalt or Portland cement not within two miles of a planted vineyard, defined as one or more vineyards totalling at least 40 acres that are planted as of the date the application for batching and blending is filed.
- H. Operations conducted for processing other mineral resources and other subsurface resources.
- I. Private parks, hunting and fishing preserves, and campgrounds. For the purposes of this Article, Campground shall mean an area devoted to overnight temporary use for vacation, recreational or emergency purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations. Existing facilities may be maintained, enhanced, or expanded, provided they comply with other requirements of this code. New development of this type is limited to lots or parcels not determined to be high-value farmland.
- J. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.

- K. Regulation Golf courses, as defined in OAR 660-33-130(20). Existing golf courses may be expanded provided they comply with the standards set forth in OAR 660-33-130(20), and meet additional criteria stipulated in OAR 660-33-130(5). New golf courses are limited to parcels not determined to be high-value farmland. Note that executive golf courses, par-3 golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges do not qualify as regulation golf courses and are not allowed in EFU zones.
- L. Accessory uses to regulation golf courses such as: parking, maintenance buildings, cart storage, practice range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, a practice course as part of a larger golf course.
  - 1. Accessory uses shall be limited to a size, and oriented in a manner, necessary to serve the needs of persons and their guests who patronize the golf course to golf.
  - 2. An accessory use that provides commercial services shall be located in the clubhouse rather than in a separate building.
- M. Commercial utility facilities for the purpose of generating power for public sale. If the commercial utility facilities take more than 20 acres out of commercial agricultural production on land not designated high-value farmland, or 12 acres on land that is determined to be high-value farmland, an exception must be taken pursuant to OAR 660-04.
- N. Transmission towers over 200 feet in height.
- O. Utility facilities necessary for public service, and which must be situated in an agricultural zone in order for that service to be provided.
- P. Personal use airports for airplanes and helicopter pads, including associated hanger, maintenance and service facilities.
- Q. Temporary facilities for the primary processing consistent with ORS 215.283(2)(i) of forest products grown on or adjacent to the parcel where the facility is sited. The permit is valid for one year and is renewable.

- R. A solid waste disposal site for which a permit has been granted under ORS 459.245 by the Oregon Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. New development of this type is limited to lots or parcels not determined to be high-value farmland.
- S. Kennel. Existing facilities may be maintained, enhanced, or expanded, provided they comply with other requirements of this code. New development of this type is limited to lots or parcels not determined to be high-value farmland.
- T. The propagation, cultivation, maintenance and harvesting of aquatic species.
- U. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- V. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- W. Improvement of public road and highway-related facilities, such as maintenance yards, weigh stations and rest area, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- X. Schools, churches, and cemeteries, including all buildings essential to the operation of these facilities, farther than three miles from an urban growth boundary. Schools, churches, and cemeteries closer than three miles from an urban growth boundary requires an exception pursuant to ORS 197.732 and OAR 660-04. Existing facilities may be maintained, enhanced, or expanded, provided they comply with other requirements of this code. New development of these types is limited to lots or parcels not determined to be high-value farmland.
- Y. Churches and cemeteries in conjunction with churches farther than three miles from an urban growth boundary. Churches closer than three miles from an urban growth boundary require an exception pursuant to ORS 197.732 and OAR 660-04.
- Z. Home Occupations as allowed under Article 85 of this code. In addition to Article 85, the following criteria apply to home occupations in EFU zones: 1) a home occupation may be authorized in an existing dwelling and structures accessory to an existing dwelling; 2) they may not be authorized in structures accessory to resource use; 3) a home occupation located on high-value farmland may employ only residents of the home.
- AA. Residential Care Home in an existing dwelling.

#### 54.040 - CONDITIONAL USE CRITERIA

Applications for a conditional use permit in an Exclusive Farm Use zone shall be reviewed against the following criteria in place of those enumerated in Section 44.030:

- A. The proposed use will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan, its policies or land use regulations; and
- B. The proposed use is in conformance with all standards and criteria of this Code, notably Article 57;
- C. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby agricultural or forest lands;
- D. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm or forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code.
- E. The proposed use will not significantly increase fire hazards or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- F. The use complies with other conditions as the review authority considers necessary.

#### 54.050 - GENERAL REVIEW CRITERIA FOR BFU ZONE DWELLINGS

All of the following conditions must be satisfied for dwelling applications in Exclusive Farm Use zones to be approved:

- A. The lot or parcel upon which the dwelling will be placed was legally created; and
- B. The proposed dwelling site can obtain approval for on-site sewage disposal, will be adequately served by road access, water, utilities, and fire protection (will not cause these facilities or services provided to the area to exceed existing capacities); and
- C. Approval of the dwelling will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations; and
- D. The dwelling and its placement are in conformance with all required standards and criteria of County code; and

- E. Approval of the dwelling will not materially alter the stability of the overall land use pattern in the area when considering the cumulative impact of dwellings on other lots or parcels in the area; and
- F. The dwelling and accessory structures are sited on the parcel such that the building site selected will minimize impact to nearby farm and forest lands and operations; and
- G. Before final planning approval can be granted, the Planning Director or his/her designee shall check the Division of State Lands' most current wetlands inventory maps, and determine if the site proposed for development may have a wetland located on it. If it is determined that a DSL-recognized wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands. A copy of this letter shall be sent to the applicant. DSL has 30 days to comment, beginning on the day notification is sent. A final decision on the application cannot be rendered until the 30 day comment period has expired.
- H. The use complies with other conditions as the review authority considers necessary.

#### **54.060 - FARM DWELLINGS**

- A. **REVIEW PROCESS** Review of applications for farm dwelling permits shall be subject to the Type II Administrative Review procedure and the site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing dwelling placement.
- B. **REVIEW CRITERIA** All applications for farm dwellings will be reviewed according to the criteria enumerated in 54.050, as well as the following criteria. At the time an application is made for a farm dwelling building permit, the applicant shall provide documentation showing that the dwelling is in conjunction with farm use of the property. A dwelling is considered to be customarily provided in conjunction with farm use and satisfies the requirements of this section when all of the following conditions (1 through 5) are met:
  - 1. Except if the farm passes the capability test (see 54.060(B)(5)(c), the parcel upon which dwelling will be placed meets the minimum lot size in the applicable zone, as follows:
    - EFU-C - The parcel is at least 80 acres in size
    - EFU-CG - The parcel is at least 80 acres in size;
    - EFU-G - The parcel is at least 160 acres in size;

2. The parcel is currently employed for farm use as defined in ORS 215.203.
3. There is no other dwelling on the subject tract, except that permitted for seasonal farm-worker housing by ORS 215.283(1)(g) and ORS 215.213(1)(r) and defined in ORS 197.675.
4. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land at a commercial scale, and in the case of item (5) below, produced the commodities which earned the income necessary to meet the relevant requirement.
5. The tract in which the parcel is located passes one of the following tests. Income information should be presented to the Planning Department by way of Federal Income Tax Schedule F.
  - a. SIZE TEST. A farm passes the size test if the tract on which the farm is located is at least 160 acres and not designated rangeland, or 320 acres and designated rangeland, and is not high-value farmland.
  - b. INCOME TEST. A farm passes the income test if either:
    - 1) The tract which includes the farm is not high-value farmland, and the farm produced in the last two years or three of the last five years at least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
    - 2) The tract which includes the farm is high-value farmland, and the farm produced in the last two years or three of the last five years at least \$80,000 (1994 dollars) of gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
  - c. CAPABILITY TEST.

A farm passes the capability test if all of the following criteria (1 through 5) are met:

    - 1) SOILS The tract on which the farm is located is not high value farmland; and

- 2) **FARM SIZE** The subject tract which includes the farm is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract (see below for method of computing annual gross sales capability); and
- 3) **CAPABILITY** The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops (defined below) as the same commercial farm or ranch tracts included in the study area described immediately above; and
- 4) **USE** The subject tract is employed in a farm use at a scale capable of producing the equivalent of the median level of annual gross sales of county indicator crops; and
  - a) If at time of application farm use is of insufficient scale to meet these requirements, approval may be given subject to a condition that no building permit may be issued prior to the establishment of farm use at the required scale.
- 5) **LOT SIZE** The specific subject lot or parcel on which the dwelling is proposed is not less than 20 acres.
- 6) Annual gross sales capability for a single tract shall be computed by first determining the land classes present on the tract and their acreage (obtained from the county assessor); next multiplying the number of acres in each land class in the tract by the gross sales per acre for the land class (this data provided by the county) and subsequently adding them together.

C. **ACCESSORY FARM DWELLINGS** - accessory dwelling(s) for a farm operator's relative or farm help may be allowed if the principal farm dwelling meets the criteria in 54.050 and 54.060(B)(1)-(4), and the accessory dwelling meets all of the following criteria:

1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, and whose assistance in the management of the farm and consequent residence on the property is or will be required by the farm operator (the farm operator is the person who does the work and makes the day to day decisions).

2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator, that is vacant or currently occupied by persons not working on the subject farm or ranch, and that could reasonably be used as an accessory farm dwelling.
3. The proposed accessory dwelling will be located either:
  - a. On the same parcel as the dwelling of the principal farm dwelling (i.e. the farm operator's dwelling); or
  - b. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
  - c. On a lot or parcel in the same tract, but other than the lot or parcel on which the principal farm dwelling is located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules.
4. The tract on which the accessory farm dwelling and principal farm dwelling are to be located passes the income test as described in 54.060(B) (5) (b).

#### **54.070 - NON-FARM DWELLINGS**

- A. **REVIEW PROCESS** Review of applications for a dwelling not in conjunction with farm use shall be processed consistent with Article 44 and reviewed according to the Hearings Officer Review procedure (Article 24).
- B. **REVIEW CRITERIA** All applications for non-farm dwellings will be reviewed against the criteria enumerated in 54.050 as well as the following criteria (1 through 8), and may be approved only if all criteria are met (the applicant for the non-farm dwelling shall provide documentation showing the proposed dwelling meets the review criteria):
  1. The tract on which the non-farm dwelling is proposed does not already have an existing dwelling.
  2. The proposed dwelling and activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

3. The proposed dwelling shall be situated upon a lot or parcel or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock, or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract.

A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm or forest use in conjunction with other land. If it can be sold, leased, rented or otherwise managed as a part of commercial farm or ranch it is not "generally unsuitable." A lot or parcel is presumed suitable if it is composed predominantly of Class I-VI soils.

4. The dwelling is compatible with farm uses, does not seriously interfere with accepted farming practices on nearby lands devoted to agricultural use (as defined in ORS 215.203(2)), and is consistent with state agricultural land-use policy (set forth in ORS 215.243), which is designed to conserve agricultural lands;
5. The dwelling will be sited on a lot or parcel created before January 1, 1993; or the lot or parcel was created after January 1, 1993 pursuant to the procedure for land partitions in EFU zones established in ORS 215.263(4);
6. The dwelling does not materially alter the stability of the overall land use pattern of the area when considering the cumulative impact of non-farm dwellings on other lots or parcels in the area;
7. If the parcel is under forest assessment:
  - a. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation it is not "generally unsuitable." A lot or parcel is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year..
  - b. The proposed dwelling must be compatible with, and must not seriously interfere with, forest practices as described in ORS 527.620(6); and
  - c. The proposed dwelling must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

8. The dwelling complies with such other conditions as the governing body or its designate considers necessary.

C. APPROVAL CONDITIONS - Before final Planning Department approval can be granted, the applicant shall:

1. Notify the County Assessor that the lot or parcel is no longer being used as farmland. The applicant must request that the County Assessor disqualify the lot or parcel for special assessment under ORS 308.370, ORS 308.765, 321.352, 321.730 or 321.815, and provide evidence to the Planning Department that the entire parcel has been disqualified true cash value under ORS 308.765, 321.352, 321.730 or 321.815. Evidence shall consist of written notice from the County Assessor of: 1) the disqualification for valuation at true cash value for farm use and 2) payment of any additional taxes and penalties due under ORS 215.236(6)(c).
2. Record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.

54.080 - LOT OF RECORD DWELLINGS IN EFU ZONES

A. REVIEW PROCESS - Review of applications for Lot of Record Dwelling permits shall be processed consistent with Article 44 and reviewed according to the Hearings Officer Review procedure (Article 24), a site plan review (Article 41), and all other applicable standards, criteria, rules, and statutes governing dwelling placement.

B. REVIEW CRITERIA - In addition to those enumerated in 54.050, all applications for lot of record dwellings will be reviewed against the following criteria. The County may allow the establishment of a single-family dwelling on a lot or parcel in an Exclusive Farm Use zone if the County finds that:

1. The lot or parcel upon which the dwelling will be placed was legally created before January 1, 1985; and
2. The lot or parcel was acquired by the present owner prior to January 1, 1985, or was acquired by the present owner by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985. For the purposes of Lot of Record Dwellings, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members; and

2. The tract on which the proposed dwelling will be sited does not already contain a dwelling; and
  3. The lot or parcel on which the dwelling will be sited is not high-value farm land.
- C. LOT OF RECORD DWELLINGS ON HIGH-VALUE FARMLAND - The County may allow the establishment of a single-family dwelling not in conjunction with farm use on high-value farmland if, in addition to meeting the requirements of LDC 54.080(A) and 54.080(B), the County finds that:
1. The lot or parcel is high-value farmland; and
  2. A hearings officer of the Oregon Department of Agriculture, under the provisions of ORS 183.413 to 183.497 determines that:
    - a. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and
    - b. The dwelling will comply with the provisions of ORS 215.296(1); and
    - c. The dwelling will not materially alter the stability of the overall land use pattern in the area.
- D. APPROVAL CONDITIONS - Before final Planning Department approval can be granted, the following conditions must be met:
1. The applicant shall notify the County Assessor that the lot or parcel is no longer being used as farmland. The applicant must request that the County Assessor disqualify the lot or parcel for special assessment -under ORS 308.370, ORS 308.765, 321.352, 321.730 or 321.815, and provide evidence to the Planning Department that the entire parcel has been disqualified true cash value under ORS 308.765, 321.352, 321.730 or 321.815. Evidence shall consist of written notice from the County Assessor of: 1) the disqualification for valuation at true cash value for farm use and 2) payment of any additional taxes and penalties due under ORS 215.236(6)(c).
  2. The applicant shall record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.

3. If the lot or parcel on which the proposed dwelling will be sited is part of a tract, the remaining lots or parcels in the tract are consolidated into a single lot or parcel;
4. If the lot or parcel on which the dwelling will be sited lies within an area designated in the acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is made consistent with limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

#### 54.090 - LAND DIVISIONS IN EFU ZONES

Land divisions shall be processed and reviewed consistent with Article 45. Use must be established along with parcel creation. In addition to review criteria contained in Section 45.040 the following criteria shall apply:

##### A. Agricultural divisions

1. Parcel size:
  - a. EFU-C Parcels are at least 80 acres in size.
  - b. EFU-CG Parcels are at least 80 acres in size.
  - c. EFU-G Parcels are at least 160 acres in size.
2. The parcels are of sufficient size and configuration such that they are efficient for agricultural use employing accepted farming practices;
3. The land division will not materially alter the stability of the overall land use pattern in the area.

##### B. Non-agricultural divisions

Creation of parcels less than the minimum size shall be non-agricultural divisions.

1. A land division for any use enumerated in sections 54.030 may be approved provided that the proposed parcel is not larger than the minimum size necessary to accommodate the proposed use, and the parcels are designed to utilize land generally unsuitable for the production of crops or livestock.
2. A land division for a dwelling not in conjunction with farm use may be approved only if the dwelling has been approved under Section 54.070.

3. Creation of a new parcel for a non-farm dwelling will be approved only if the creation of the parcel will not lead to the creation of other non-farm parcels, to the detriment of the agriculture in the area.

**54.100 - PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Parcel Size
  1. Exclusive Farm Use-Cropland (EFU-C) - 80 acres.
  2. Exclusive Farm Use-Cropland/Grazing (EFU-CG) - 80 acres.
  3. Exclusive Farm Use-Grazing (EFU-G) - 160 acres.
- B. Building Heights and Setbacks - See Article 62
- C. Fences, Walls and Screening - See Article 64
- D. Landscaping - See Article 65
- E. Signs - See Article 66
- F. Parking - See Article 68
- G. Access - See Article 71

**ARTICLE 55  
FORESTRY (F)**

**55.010 - PURPOSE**

The purpose of this zone is to protect forest ecosystems, and to safeguard those sectors of the economy dependent upon forest ecosystems, by conserving the forested land base and forest resources, and by allowing for environmentally sound and economically efficient forest practices. At the same time, Forest zone regulations are aimed at providing opportunities for human habitation, recreation and agricultural uses, consistent with the sound management of soil, air, water, vegetation, fish and wildlife that ensures the continued vitality of the ecosystem, and that does not unnecessarily hinder forest practices.

Oregon Statewide Planning Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goal and OAR 660-06. The intent of OAR 660-06 is to allow, in addition to forest practices and operations and uses auxiliary to forest practices, uses related to and in support of forest operations; uses to conserve resources and to provide for habitat, agriculture, and recreation; locationally dependent uses; and dwellings, under certain conditions.

**55.020 - OUTRIGHT USES**

The following uses shall be allowed pursuant to the Oregon Forest Practices Act:

- A. Forest operations, defined as any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6), including, but not limited to, reforestation of forest land, road construction and maintenance, harvest of a forest tree species, application of chemicals, and disposal of slash where such uses pertain to commercial forest activity;
- B. Temporary on-site structures and physical alterations to the land that are auxiliary to and used during the term of a particular forest operation or practice. Alterations include but are not limited to those made for the purposes of mineral exploration, mining, gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

- C. For the purposes of this subsection, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle. An auxiliary use is removed when a particular forest practice has concluded.
- D. Uses to conserve soil, air and water quality, and to provide for vegetation, fish and wildlife resources;
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals) or equipment that provides service hookups, including water hookups.
- G. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- H. Water intake facilities, canals, and water distribution lines for farm irrigation and ponds.

**55.030 - PERMITTED USES**

The following uses are permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such uses:

- A. Temporary portable facilities for the primary processing of forest products;
- B. Towers and fire stations for forest fire protection;
- C. Caretaker residences for public parks and public fish hatcheries;
- D. Uninhabitable structures accessory to fish and wildlife management;
- E. Temporary forest labor camps;

- F. Alteration, restoration, or replacement of lawfully established dwellings, provided such dwellings have intact exterior walls and roof structure; indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary disposal system; interior wiring for interior lights; and a heating system. In the case of replacement, the original dwelling must be removed, demolished, or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.
- G. Widening of public roads within existing rights-of-way in conformance with the transportation element of the County Comprehensive Plan, including public road and highway projects as described in ORS 215.213(1)(m)-(p) and 215.283(1)(k)-(n).
- H. Destination Resorts that meet the criteria of and follow the review process established in Article 88 of this Code. Destination Resorts are limited to areas designated in the ordinance as appropriate for this purpose.
- I. Exploration for, and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

#### 55.040 - CONDITIONAL USES

The following uses may be established subject to the criteria in Section 55.050 and the provisions of Article 44:

- A. Permanent facilities for the primary processing of forest products;
- B. Permanent facilities for logging equipment repair and storage;
- C. Log scaling and weigh stations;
- D. A solid waste disposal site approved by the governing body of a city or county or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

- E. Parks and campgrounds. For the purposes of this Article a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes but not for residential purposes. A campground may accommodate tent, travel trailer or recreational vehicle use, and associated facilities, but shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;
- F. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and not otherwise permitted in Section 55.030(G) (such as compressors, separators, and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;
- G. Television, microwave and radio communication facilities and transmission towers;
- H. Fire stations for rural fire protection;
- I. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;
- J. Aids to navigation and aviation;
- K. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
- L. Reservoirs and water impoundments;
- M. Firearms training facility;
- N. Cemeteries;
- O. Private, seasonal accommodations for fee hunting and fishing where:
  - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  - 2. Only minor incidental and accessory retail sales are permitted; and
  - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Department of Fish and Wildlife Commission; or

4. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission and are located within 1/4 mile of fish bearing Class I waters; and
  5. The County may impose other appropriate conditions.
- P. New electric transmission lines with rights-of-way 100 feet or less in width as specified in ORS 772.210.
  - Q. New distribution lines for gas, oil, or geothermal with rights-of-way 50 feet or less in width;
  - R. Temporary asphalt and concrete plants as accessory uses to specific highway projects;
  - S. Home occupations as allowed under Article 85 of this Code;
  - T. A manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, and that disposal system must be adequate to accommodate the additional dwelling. If the mobile home will use a public sanitary sewer system, such condition will not be required. The temporary use permit shall be reviewed yearly as required by LDC Article 42. When the hardship ends, the manufactured dwelling shall be removed. Oregon Department of Environmental Quality review and removal requirements shall also apply to such manufactured dwellings.
  - U. Expansion of existing airports;
  - V. Public road and highway projects as described in ORS 215.213(2)(q)-(s) and 215.283(2)(p)-(r);
  - W. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

#### 55.050 - CONDITIONAL USE CRITERIA

Applications for a conditional use permit in the Forestry zone shall be reviewed against the following criteria in place of those enumerated in Section 44.030:

- A. The proposed use will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan, its policies or land use regulations; and
- B. The proposed use is in conformance with all standards and criteria of this Code, notably Article 57;

- C. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby agricultural or forest lands;
- D. A written covenant will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code.
- E. The proposed use will not significantly increase fire hazards or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- F. The use complies with other conditions as the review authority considers necessary.

**55.060 - GENERAL REVIEW CRITERIA FOR FOREST ZONE DWELLINGS**

All of the following conditions must be satisfied for dwelling applications in Forest zones to be approved:

- A. The lot or parcel upon which the dwelling will be placed was legally created; and
- B. The tract on which the proposed dwelling will be sited does not contain a dwelling and no other dwelling has been approved for other lots or parcels in the tract, and no deed restrictions exist on any parcels in the tract that preclude said parcel from development or from being used to total the required acreage. Large ownership dwellings as set forth in 55.090 are excluded from this requirement. A tract is defined as one or more contiguous lots or parcels in the same ownership. Contiguous means connected in such a manner as to form a single block of land; and
- C. Approval of the dwelling will not exceed the facilities and service capabilities of the area. The proposed dwelling site:
  - 1. shall obtain approval for on-site sewage disposal and
  - 2. will be adequately served by road access. Roads must meet the fire protection standards of Article 69. In addition, if road access to the proposed dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; and

3. shall be developed pursuant to the siting and development standards of LDC Article 69, Rural/Wildland Fire Safety Standards, and the parcel upon which the proposed dwelling is to be located shall be within a rural fire protection district or the proposed resident must prove proof of a contract for residential fire protection; and
  4. must be served by a domestic water supply from a source authorized by the state Water Resources Department, and not from a Class II stream as designated in the Forest Practices Rules (OAR Chapter 629). The applicant shall provide proof to the Planning Department that this requirement can be met. Evidence of domestic water supply may consist of:
    - a. verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
    - b. a water use permit issued by the Water Resources Department for the use described in the application; or
    - c. verification from the Water Resources Department that a water use permit is not required for the use described in the application.
    - d. if the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- D. Approval of the dwelling will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations; and
- E. The dwelling and its placement are in conformance with all required standards and criteria of County code; and
- F. Approval of the dwelling will not materially alter the stability of the overall land use pattern in the area when considering the cumulative impact of dwellings on other lots or parcels in the area; and
- G. SITING REQUIREMENTS - The dwelling and accessory structures are sited on the parcel such that the building site selected will substantially satisfy each of the following criteria:
1. Have the least impact on nearby or adjoining forest or farm lands; and

2. Ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
3. Minimize the amount of forest lands used to site roads, service corridors, dwellings and structures; and
4. Minimize risk associated with wildfire.

H. APPROVAL CONDITIONS - Before final Planning Department approval can be granted, the following conditions must be met:

1. The Planning Director or his/her designee shall check the Division of State Lands' most current wetlands inventory maps, and determine if the site proposed for development may have a wetland located on it. If it is determined that a NWI-recognized wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands. A copy of this letter shall be sent to the applicant. DSL has 30 days to comment, beginning on the day notification is sent. A final decision on the application cannot be rendered until the 30 day comment period has expired; and
2. The applicant shall record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.
3. The owner of the property shall plant a sufficient number of trees on the tract so that the tract may reasonably be expected to meet state Department of Forestry stocking requirements. The Planning Department shall notify the County Assessor once the above condition has been met. This notification shall be considered sufficient for tentative approval of the dwelling. Final approval is reserved for such time when the applicant submits a stocking survey report to the County Assessor and the County Assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met by the time required by Department of Forestry rules. The County Assessor shall then notify the Department of Forestry, which shall proceed to verify that stocking requirements have been met. If stocking requirements are determined not to have been met, the land will be considered not qualified for forest tax deferral pursuant to ORS 321.359, and tax liability will subsequently be imposed by the County Assessor; and
4. The applicant must submit the appropriate documentation required in 55.060(C) above.

5. Notice for all dwelling applications in Forestry and Forestry/Range zones shall be provided to the Department of Land Conservation and Development office in Salem. This notice shall be mailed at least ten days prior to the hearing or decision to allow the dwelling.
6. The use complies with other conditions as the review authority considers necessary.

**55.070 - LOT OF RECORD DWELLINGS IN FOREST ZONES**

- A. **REVIEW PROCESS** - Review of applications for Lot of Record Dwellings shall be processed consistent with Article 44 and reviewed according to the Hearings Officer Review Procedure (Article 24), site plan review (Article 41), and all other applicable standards, criteria, rules, and statutes governing dwelling placement.
- B. **REVIEW CRITERIA** - In addition to the criteria enumerated in Section 55.060, all applications for Lot of Record dwellings will be reviewed against the following criteria. The County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if the following criteria are met:
  1. The lot or parcel upon which the dwelling will be placed was legally created before January 1, 1985; and
  2. The lot or parcel was acquired by the present owner prior to January 1, 1985 or was acquired by the present owner by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985. For the purposes of Lot of Record dwellings, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members; and
  3. The tract on which the proposed dwelling will be sited does not already contain a dwelling, and no other dwellings have already been permitted for lots or parcels in that tract; and
  4. The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species; and
  5. The tract on which the dwelling will be sited is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall be maintained and either be paved or surfaced with rock. A United States Forest Service or Bureau of Land Management road shall not qualify.
- C. **APPROVAL CONDITIONS** -- Before final Planning Department approval can be granted for any Lot of Record dwelling, the following conditions must be met:

1. If the lot or parcel on which the proposed dwelling will be sited is part of a tract, the remaining lots or parcels in the tract are consolidated into a single lot or parcel.
2. The applicant shall notify the County Assessor that the lot or parcel is no longer being used as forestland. The applicant must request that the County Assessor disqualify the lot or parcel for special assessment under ORS 308.370, ORS 308.765, 321.352, 321.730 or 321.815, and provide evidence to the Planning Department that the entire parcel has been disqualified true cash value under ORS 308.765, 321.352, 321.730 or 321.815. Evidence shall consist of written notice from the County Assessor of: 1) the disqualification for valuation at true cash value for forest use and 2) payment of any additional taxes and penalties due under ORS 215.236(6)(c).

#### 55.080 - 160-ACRE TEMPLATE DWELLINGS

- A. REVIEW PROCESS - Review of applications for 160-Acre Template Dwellings shall be reviewed in accordance with Article 44 and the Hearings Officer Review procedure of Article 24 and the site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing dwelling placement.
- B. REVIEW CRITERIA - In addition to the criteria enumerated in Section 55.060, all applications for 160-Acre Template Dwellings will be reviewed against the following criteria. The County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if the following criteria are met:
  1. The tract on which the proposed dwelling will be sited does not already contain a dwelling, and no other dwellings have already been permitted for lots or parcels in that tract; and
  2. THE TEMPLATE TEST - A template, with an internal area of 160 acres (at the same scale as the map) shall be laid upon a map which includes the lot or parcel, and shall be centered on the center of the subject tract. The shape and alignment of the template varies depending on conditions outlined in 55.080(B)(2)(d). In order to satisfy the template test, the template when properly aligned shall encompass the required number of parcels (or portions of parcels) and dwellings according to the capability of the tract to produce wood fiber, as follows:
    - a. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing 0 to 20 cubic feet of wood fiber per acre per year (defined in OAR 660-06-005(2)), the template must encompass:

- 1) All or part of at least three other lots or parcels which existed on January 1, 1993 within a 160-acre template centered on the center of the subject tract; and
  - 2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993
- b. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing 21 to 50 cubic feet of wood fiber per acre per year, the template must encompass:
- 1) All or part of at least seven other lots or parcels which existed on January 1, 1993 within a 160-acre template centered on the center of the subject tract; and
  - 2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993.
- c. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing more than 50 cubic feet of wood fiber per acre per year, the template must encompass:
- 1) All or part of at least eleven other lots or parcels which existed on January 1, 1993 within a 160-acre template centered on the center of the subject tract; and
  - 2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993
- d. **TEMPLATE SHAPE AND ALIGNMENT** The template used shall in all cases be a 160 acre square (dimensions 1/2 mile by 1/2 mile) centered on the center of the subject tract, unless:
- 1) The tract abuts a road that existed on January 1, 1993. In this case a rectangular template, described below, may be used in place of the square template.
  - 2) The tract is 60 acres or larger and abuts a road or perennial stream. In these cases a rectangular template must be used in place of the square template. This rectangular template shall be of dimensions 1/4 mile by 1 mile, centered on the center of the subject tract and to the maximum extent possible aligned with the road or stream.

e. **SPECIAL CONDITIONS** The following special conditions apply if the tract is 60 acres or larger:

- 1) If a perennial stream or road abuts the subject tract, at least one of the dwellings that is required to be located within the rectangular template shall be on the same side of the road or perennial stream as the subject tract and within the template, or else along the road or stream on the same side as the subject parcel and within one-fourth mile of the edge of the subject tract and within one-half mile of the center of the subject tract but not necessarily inside the template.
- 2) If a road crosses the subject tract at least one of the three required dwellings will be on the same side of the road as the proposed dwelling.

C. **APPROVAL CONDITIONS** - Before final Planning Department approval for a Template Dwelling can be granted, the owner must submit proof of nonrevocable deed restrictions recorded in the deed records for the parcels and lots comprising the tract. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.

#### **55.090 - LARGE OWNERSHIP DWELLINGS**

- A. **REVIEW PROCESS** - Review of applications for large ownership dwelling permits shall be subject to the Type II Administrative Review procedure and the site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing dwelling placement.
- B. **REVIEW CRITERIA** - the County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if, in addition to meeting all of the criteria enumerated in 55.060, the tract on which the dwelling will be placed contains at least 240 contiguous acres.

#### **55.100 - LAND DIVISIONS IN FOREST ZONES**

Land divisions shall be processed and reviewed consistent with Article 45. In addition to review criteria contained in Section 45.050, the following criteria and conditions shall apply:

- A. Forest use divisions:
  - 1. The parcels created shall be no less than 80 acres; and
  - 2. The proposed division is consistent with the forest use policies of the Comprehensive Plan; and
  - 3. The proposed division does not materially alter the stability of the overall land use pattern in the area; and
  - 4. The proposed division provides for resultant parcels of sufficient size to ensure that forest uses and practices may take place in a cost effective manner.
  
- B. Non-forest use divisions: new land divisions less than 80 acres in size may be approved only for uses listed in Section 55.030(H) through (I) of this Code, and for uses listed in Section 55.040(A) through (N) of this Code provided that such uses have been approved pursuant to Section 55.050 of this Code. Such divisions shall create a parcel that is the minimum size necessary for use.
  
- C. Notice for all land partition applications in Forest zones shall be provided to the Department of Land Conservation and Development office in Salem. This notice shall be mailed at least ten days prior to the hearing or decision to allow the partition.

**55.110 - PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Parcel Size --see 55.100
- B. Building Heights and Setbacks - See Article 62
- C. Fences, Walls and Screening - See Article 64
- D. Landscaping - See Article 65
- E. Signs - See Article 66
- F. Parking - See Article 68
- G. Access - See Article 71



## ARTICLE 55.2 FORESTRY/RANGE (FR)

### 55.210 - PURPOSE

The purpose of this zone is to promote management and conservation of lands of mixed farm and forest use. This productive potential of this land is considered to be greater than that of Non-Resource (NR) zoned lands, but less than that of Farm (EFU) or Forestry (F) zoned lands.

The 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.

### 55.220 - APPLICATION

The Forestry/Range zone includes lands of mixed farm and forestry use. Criteria, standards and procedures for development and land partitioning in the Forestry/Range zone shall depend on whether the tract was predominantly used for farming on January 1, 1993.

If the predominant land use was farming, the criteria, standards, and procedures in Article 54 shall apply to all development and land partition activities.

If the predominant land use was for any activity not associated with farming, the criteria, standards, and procedures in Article 55 shall apply to all development and land partition activities.

### 55.230 - PROCEDURE

- A. The County shall make a finding as to whether the predominant land use of the tract on January 1, 1993 was for farming. Farm use shall be established if and only if the tract was under Farm Deferral tax status on January 1, 1993, or else at the time determination is made the tract has the potential for Farm Deferral status on January 1, 1998.
- B. The County shall then assign the tract to Article 54 or Article 55, depending on the finding. The criteria, standards, and procedures in Article 54 or Article 55, as assigned, shall then apply for all present and future development and land partitioning activity on the tract in question.

55.250 - LAND DIVISIONS IN FORESTRY/RANGE ZONES

Land divisions shall be processed and reviewed consistent with Article 45. In addition to review criteria contained in Section 45.050, the following criteria shall apply:

- A. MINIMUM LOT SIZE - The minimum lot size is 80 acres.
- B. Notice for all land partition applications in Forest/Range zones shall be provided to the Department of Land Conservation and Development office in Salem. This notice shall be mailed at least ten days prior to the hearing or decision to allow the partition.

55.260 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Parcel Size --see 55.250
- B. Building Heights and Setbacks - See Article 62
- C. Fences, Walls and Screening - See Article 64
- D. Landscaping - See Article 65
- E. Signs - See Article 66
- F. Parking - See Article 68
- G. Access - See Article 71

#### 55.240 - CONDITIONAL USE CRITERIA

Applications for a conditional use permit (DWELLINGS EXCEPTED) in the Forestry/Range zone shall be reviewed against the following criteria in place of those enumerated in Section 44.030:

- A. The proposed use will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan, its policies or land use regulations; and
- B. The proposed use is in conformance with all standards and criteria of this Code, notably Article 57;
- C. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby agricultural or forest lands;
- D. A written covenant will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code.
- E. The proposed use will not significantly increase fire hazards, significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel;
- F. The use complies with other conditions as the review authority considers necessary.

#### 55.250 - LAND DIVISIONS IN FORESTRY/RANGE ZONES

Land divisions shall be processed and reviewed consistent with Article 45. In addition to review criteria contained in Section 45.050, the following criteria shall apply:

- A. MINIMUM LOT SIZE - The minimum lot size is 80 acres.
- B. STANDARDS - The County may apply the division standards -- excepting minimum lot size, which shall in all cases be 80 acres-- under either LDC Article 54 or 55 as appropriate for the predominant use of the tract on January 1, 1993. The County shall make a finding as to the predominant use of the tract on January 1, 1993, using the best information available, in determining the proper division standards to apply. In determining the predominant use of a tract on January 1, 1993, the County shall consider such information as special tax assessments or deferrals, air photos, soil type, soil capability, timber productivity rating, enrollment in agriculture or forest management programs, etc.

C. Notice for all land partition applications in Forest/Range zones shall be provided to the Department of Land Conservation and Development office in Salem. This notice shall be mailed at least ten days prior to the hearing or decision to allow the partition.

**55.260 - PROPERTY DEVELOPMENT STANDARDS**

- A. Minimum Parcel Size --see 55.250
- B. Building Heights and Setbacks - See Article 62
- C. Fences, Walls and Screening - See Article 64
- D. Landscaping - See Article 65
- E. Signs - See Article 66
- F. Parking - See Article 68
- G. Access - See Article 71

- C. Notice for all land partition applications in Forest/Range zones shall be provided to the Department of Land Conservation and Development office in Salem. This notice shall be mailed at least ten days prior to the hearing or decision to allow the partition.

55.260 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Parcel Size --see 55.250
- B. Building Heights and Setbacks - See Article 62
- C. Fences, Walls and Screening - See Article 64
- D. Landscaping - See Article 65
- E. Signs - See Article 66
- F. Parking - See Article 68
- G. Access - See Article 71





ARTICLE 56  
NON-RESOURCE (NR)

56.010 - PURPOSE

The purpose of this zone designation is to implement the non-resource land use designation of the Comprehensive Plan. These are lands that have been found to have a low Forest Site Class value, are predominantly SCS Soil Capability Class VII and VIII, are not identified as important fish and wildlife habitat, are not necessary for watershed protection or recreational use, are not irrigated or irrigable, or are not necessary to permit farm or forest practices to be undertaken on adjacent or nearby lands.

56.020 - PERMITTED USES

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing such uses:

- A. Single-family dwelling
- B. Manufactured Dwelling
- C. Animal raising, large animals
- D. Animal raising, small animals
- E. All permitted uses in Exclusive Farm Use, Forestry, and Forestry/Range zones
- F. One additional dwelling for family members if the lot or parcel size is equal to or greater than 20 acres.

56.030 - CONDITIONAL USES

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Animal raising, specialty
- B. Kennels
- C. Cemeteries
- D. All conditional uses in the Exclusive Farm Use, Forestry, and Forestry/range zones

56.040 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 20 acres.
- B. Lot Size and Shape - See Article 61
- C. Building Heights and Setbacks - See Article 62
- D. Fences, Walls and Screening - See Article 64
- E. Landscaping - See Article 65
- F. Signs - See Article 66
- G. Parking - See Article 68
- H. Access - See Article 71

**ARTICLE 56.2**  
**OPEN SPACE AND CONSERVATION (OS&C)**

**56.210 - 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 nonprofit organizations dedicated to the protection of areas with fragile or unique scenic or natural qualities.

**56.220 - PERMITTED USES**

Those uses which are permitted by Federal and State governments in the following areas:

Federal: National Parks  
Research Natural Areas  
Wildlife Refuges  
Designated Wilderness Areas

State: Wildlife Management Areas

Private: Lands owned by nonprofit organizations dedicated to conservation purposes

**56.230 - PROPERTY DEVELOPMENT STANDARDS**

Property development standards shall be determined by the appropriate agency or organization that would be necessary for the protection of public health and natural resources.

**56.240 - BUILDINGS AND STRUCTURES**

Buildings in conjunction with permitted uses may be established subject to a Conditional Use Permit. In addition to review criteria enumerated in Section 44.030, the following criteria shall apply:

- A. The use is compatible with open space and conservation values embodied in the Comprehensive Plan;
- B. The use will not interfere seriously with accepted farm and forest practices on adjacent lands devoted to those uses;

*Appendix 1*  
*100*

- C. The use will not materially alter the stability of the overall land use pattern of the area and is located in a manner harmonious with its surroundings; and
- D. The use is sited so as to not interfere with fish and wildlife habitat; and
- E. Complies with such other conditions as the review body considers necessary based on findings supported by substantial evidence in the whole record.

ARTICLE 57  
SIGNIFICANT RESOURCE OVERLAY  
(SRO)

57.010 - PURPOSE

The purpose of the Significant Resource Overlay is to implement provisions of the Klamath County Comprehensive Plan to preserve significant natural and cultural resources, to address the economic, social, environmental and energy consequences of conflicting uses upon significant natural and cultural resources, and to permit development in a manner that does not adversely impact identified resource values.

57.020 - DEFINITIONS

- "1-A" Refers to resources which, based on information concerning the location, quality, and quantity of the resource site, were determined not to be important enough to warrant inclusion on the plan inventory or are not required to be included in the inventory based on the specific Goal standards.
- "1-B" Refers to a special category of sites in the inventory that have information indicating the possible existence of a resource but where the information is inadequate to identify with particularity the location, quality, and quantity of the resource site.
- "1-C" Refers to resources which, based on information concerning the location, quality and quantity of the resource site, are considered to be significant, and are described in the Comprehensive Plan Goal 5 Element and/or identified on the Goal 5 Significant "1-C" Resource Map.
- "2-A" Refers to "1-C" resources where: 1) no conflicting uses were identified; and 2) where policies and ordinance provisions were adopted to insure preservation of the resource site.
- "3-A" Resources so designated in the Comprehensive Plan Goal 5 Element are considered to be of great significance and shall be preserved, regardless of any affects of such preservation on the conflicting uses.
- "3-B" Resources so designated in the Comprehensive Plan Goal 5 Element are considered to be significant, but as a result of analysis of the economic, social, environmental and energy consequences contained in the Comprehensive Plan, any conflicting use is to be allowed, regardless of any possible impacts on the resource.
- "3-C" Resources so designated in the Comprehensive Plan Goal 5 Element are considered to be significant, and conflicting uses to the resource shall be limited in order to protect the resource from irreparable harm.

### 57.030 - APPLICATION

In addition to all other applicable provisions of this code, this article shall apply to all land uses, land divisions, developments and associated activities coincident with a resource identified or mapped as significant ("1-C") in the Klamath County Comprehensive Plan.

- A. All land uses, developments and associated activities which represent actual or potential conflicting uses to a resource as identified in Section 57.040 shall be processed as conditional uses unless otherwise specified.
  - 1. Uses identified as a permitted use in the underlying zone shall be reviewed solely against the standards and criteria of this article.
  - 2. Uses identified as a conditional use in the underlying zone shall be reviewed against the standards and criteria of this article in addition to all other applicable standards and criteria of this code.
- B. All land divisions in big game habitat shall comply with the standards enumerated in Section 57.070;
- C. Accepted farm practices as defined by this code or forest practices regulated by the Oregon Forest Practices Act are exempt from the provisions of this article;
- D. If an applicant for a development permit governed by this code believes that an identified "1-C" resource is not present on the site or is not affected by the development proposal, the applicant shall provide substantial evidence to the County prior to submitting an application demonstrating how this article does not apply. The Planning Director or his/her designee shall consult with appropriate resource management agencies and issue an order of determination pursuant to the Type II Administrative Review Procedure (Article 22).

### 57.040 - CONFLICTING USES

- A. Mineral and Aggregate Resources
  - 1. Dwellings
  - 2. Manufactured dwelling or recreational vehicle parks
  - 3. Schools and churches
  - 4. Parks, campgrounds, hunting and fishing preserves
  - 5. Community centers and recreation facilities+
  - 6. Motels or travelers' facilities
  - 7. Public buildings

B. Bear Valley

1. Within the Core Area and Primary Buffer Area

- a. Forest management activities inconsistent with interagency Bald Eagle Management Guidelines and not regulated by the Oregon Forest Practices Act
- b. Residential development and permanent structures
- c. Roads and highways
- d. Mining
- e. Discharge of pollution

2. Within the Secondary Buffer Area

- a. Residential development greater than 1 dwelling per 20 acres
- b. Commercial or industrial activities
- c. Schools and churches
- d. Electrical transmission lines
- e. Roads and highways
- f. Discharge of pollutants
- g. Forest management activities not regulated by the Oregon Forest Practices Act
- h. Mining between November and April

3. Within the Flyway

- a. Electrical transmission lines
- b. Residential development greater than 1 dwelling per 20 acres
- c. Commercial or industrial development

C. Wetlands/Riparian Areas/Class I Streams/Fish Habitat

1. Non water-dependent uses
2. Shoreline development or alteration
3. Removal of riparian vegetation
4. Filling or removing material/instream modification
5. Introduction of pollutants (point or non-point)
6. Water impoundments
7. Drainage or channelization

D. Upland Game Bird Sites

1. Dwellings
2. Commercial or industrial uses
3. Mining
4. Roads and highways
5. Parks and campgrounds
6. Schools and churches
7. Extensive impact facilities
8. Discharge of pollution

E. Raptor Nest Sites and Rookeries

1. Dwellings
2. Commercial uses
3. Mining
4. Roads and highways
5. Parks and campgrounds
6. Schools and churches
7. Extensive impact facilities
8. Discharge of pollution

F. Big Game Winter Range

1. Dwellings
2. Commercial uses
3. Mining
4. Roads and highways
5. Parks and campgrounds
6. Schools and churches
7. Extensive impact facilities
8. Golf courses

G. Historic Resources

1. Demolition or alteration

H. Archeological Resources

1. Any excavation or mining activity in a known archeologically sensitive area as identified in the Comprehensive Plan which disturbs more than 10,000 square feet to a depth greater than an average of 12 inches below the natural surface
2. Any activity resulting in permanent coverage of a resource site

I. Wild and Scenic Waterways

1. Commercial or industrial development
2. Dams, impoundments or diversion facilities
3. Filling or removing material
4. Mining

57.050 - GENERAL REVIEW PROCEDURE

- A. Where a decision has been made to protect a resource inventoried in the Comprehensive Plan from conflicting uses (a "3-A" decision), applicants must clearly demonstrate that the proposed use will not negatively impact the resource. Applications for a development permit shall be reviewed in the following manner:
1. The applicant shall submit a resource management plan meeting the requirements of subsection 4 of this section to the County.
  2. Resource management agencies identified in Section 570.080 shall review the application against their plans, policies and programs for resource management and determine whether or not the development proposal complies or does not comply with their mandated plans, policies and programs for resource preservation.
  3. If a resource management agency does not accept an applicant's resource management plan as adequate for preservation of the resource in question, the County shall deny the development permit application.
  4. Resource management plans shall include the following elements:
    - a. A detailed description of the development proposal including a description of all associated activities and operating characteristics of the use;
    - b. A description of possible impacts (positive or negative) to the resource resulting from the proposed development;
    - c. A description of the type, extent and location of the resource involved;
    - d. A written statement detailing the proposed strategy to preserve the identified resource. Such strategy shall include, but not be limited to:
      - 1) Restrictions on conflicting uses, and the means by which such restrictions will be enforced;

- 2) The provision of buffer areas, and the means to enforce use limitations in the buffer areas;
- 3) A mitigation program which considers alternatives to the proposed development and includes standards to assess the effectiveness of the mitigation effort;
- 4) A monitoring plan for the site to assess long-term impacts from development activities, including indicator species or conditions that will allow for long-term monitoring;
- 5) Special provisions such as conservation easements or land dedications.

e. Documentation of sources relied upon in developing the management plan.

B. Where a decision has been made to allow conflicting uses to a resource inventoried in the Comprehensive Plan (a "3-B" decision), this article shall not apply to the development proposal.

C. When a decision has been made to limit conflicting uses to a resource inventoried in the Comprehensive Plan (a "3-C" decision), applications for a development permit shall be reviewed in the following manner:

1. A complete application including a detailed description of the development proposal which address the standards and criteria of this article shall be referred for comment to local, state or federal agencies having responsibility for resource management as identified in Section 57.090.
2. Resource management agencies may review the application against their plans, policies and programs for resource management and respond to the County as to how they believe the development proposal complies or does not comply with their plans, policies and programs, and does or does not comply with the applicable criteria and standards of this article.
3. The appropriate review body shall incorporate all comments, determinations and recommendations of resource management agencies into its decision, or shall make findings based on substantial evidence in the whole record why the agency comments, determinations and recommendations do not apply.

#### 57.060 - GENERAL REVIEW CRITERIA

The following review criteria shall apply to all actions governed by this article unless otherwise specified. Criteria and standards enumerated in Section 57.070 shall also apply as appropriate.

- A. The resource site will not be altered or impacted to a degree that destroys its significance;
- B. The proposed development will not result in the loss of habitat for threatened or endangered species of animals or plants as identified by the U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife or other appropriate state or federal agency;
- C. All feasible alternatives to the development have been considered and rejected which would not result in a substantial adverse impact on an identified resource value;
- D. The development is sited on the property in such a manner that minimizes adverse impacts on the identified resource; and
- E. Documentation has been provided to the County regarding requirements for state or federal permits or licenses, and that appropriate resource management agencies have reviewed the development proposal against its plans, policies and programs.

#### 57.070 - SPECIFIC DEVELOPMENT CRITERIA AND STANDARDS

- A. Mineral and Aggregate Resources
  - 1. Establishment of a conflicting use will not force a significant change in or significantly increase the cost of accepted and lawful mining operations on adjacent and nearby land.
  - 2. Conflicting uses shall be located a minimum of 1000 feet from an identified mining site where the property's size and configuration allows such a set back.
  - 3. Conflicting uses shall be located upwind from identified sites where practicable.
  - 4. Conflicting uses shall be located in a manner that screens the residence from site and sound of mining site.

5. Approval of a conflicting use shall be conditioned upon the applicant recording a statement with the property deed recognizing the rights of mining operations on adjacent and nearby land to continue consistent with all applicable laws and regulations governing such uses.

B. Riparian Area--Class I Streams/Surface Waters

1. Delineation of Riparian Areas of Concern - In order to protect, maintain and enhance the water quality and biological productivity of Class I streams and surface waters identified in the Comprehensive Plan, a riparian area of concern is designed as 100 feet from the ordinary high water line of Class I streams and surface waters. The riparian area of concern may be less upon a determination that the line of upland vegetation exists within 100 feet of the ordinary high water line.
2. Regulated activities in Riparian Areas of Concern
  - a. Preservation of Vegetation. All trees and not less than 50% of the understory vegetation shall be preserved, unless the removal of dead, diseased or dying trees is required to prevent property damage or maintain navigation, or unless conducted in accordance with other provisions of this code.
  - b. Discharge of pollution. Pollutants shall not be introduced into riparian areas or waterways. Uses and activities shall not have a significant adverse impact on water quality or the beneficial use of water by adjacent or downstream users. State and federal water quality laws and regulation shall be applied to determine compliance.
  - c. Fill and removal, modification of stream channels. All activities shall be conducted in accordance with laws and regulations of appropriate state and federal agencies.
  - d. Erosion control. Temporary measures such as sand bags, straw or other ground cover to retard sedimentation during construction shall be employed. Permanent erosion control measures shall be required for any activity which generates chronic runoff or sedimentation into a riparian area of concern. All vegetation affected by construction shall be replaced immediately upon completion of construction.

3. Setbacks for development
  - a. No permanent structure shall be placed within a riparian area of concern except as provided in this article.
  - b. All subsurface sewage disposal systems shall be set back not less than 100 feet from the ordinary high water line of any identified water body or wetland.
4. Special exception/requirements. The following activities are exempt from the requirements of this article:
  - a. Residential uses on a lot or parcel legally created prior to November 15, 1990. Structures and subsurface sewage disposal systems shall be setback from waterways the maximum amount practicable.
  - b. Structures necessary and required to make use of a water right.
  - c. Public works projects coordinated through responsible state or federal agencies having jurisdiction for resource management.
  - d. Structural erosion control activities where no practicable non-structural alternative exists.

C. Big Game Winter Range

1. Land Divisions - Minimum Parcel Size
  - a. Deer:
    - 1) 80 acres in impacted (low-medium density) winter range
    - 2) 160 acres in important (high density) winter range
  - b. Antelope: 160 acres
  - c. Elk: 160 acres
2. Residential Development Standards
  - a. Residential homesites (including accessory buildings) on parcels fronting a public road shall be located:
    - 1) Not more than 330 feet from an existing dwelling;  
or

- 2) Not more than 150 feet from a side property boundary; and
  - 3) Not more than 100 feet from an existing public road.
- b. Residential homesites (including accessory buildings) on parcels not fronting a public road may be permitted if:
- 1) Not more than 7 other dwellings exist within a 640 acre square centered on the center of the subject parcel in mapped areas of impacted (low-medium density) deer winter range; or
  - 2) Not more than 3 other dwellings exist within a 640 acre square centered on the center of the subject parcel in mapped areas of important (high density) deer winter range; or
  - 3) Not more than 3 other dwellings exist within a 640 acre square centered on the center of the subject parcel in mapped areas of pronghorn antelope or rocky mountain elk range.
- c. Residential homesites (including accessory buildings) shall not be sited within a critical habitat area or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife.
- d. Fencing on the perimeter of property shall only be for livestock control purposes; fencing around homesites shall enclose no greater than 1 acre, and where designed to exclude wildlife shall not be placed within critical habitat or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife.
- e. Approval of a dwelling shall be conditioned upon the resident filing a statement with the property deed agreeing to control free-roaming dogs and off-road vehicle use during the period November through April.

#### D. Geothermal Resources

Development proposals coincident with identified geothermal resource shall comply with the provisions of Article 59.040 of this code.

#### E. Archeological Resources

Development proposals coincident with archeological resources shall comply with the provisions of Article 86 of this code.

F. Historic Resources

Demolition of or alteration to an identified historic resources shall comply with the provisions of Article 87 of this code.

**57.080 - INVENTORY AMENDMENT PROCEDURE**

- A. The purpose of this Section is to codify the procedure for adding a site to the appropriate Goal 5 inventory, determine the significance of the site, and apply Article 57 to the site.
- B. The application shall be handled as an amendment to the Klamath County Comprehensive Plan and the zoning map, using the criteria set forth under Section 48.030 for quasi-judicial actions and Section 49.030 for legislative actions, and shall be subject to the criteria set out in Section 57.080(C), depending on the site and inventory.
- C. All sites proposed for inclusion on a Goal 5 inventory as a significant resource with the Significant Resource Overlay Zone applied shall be submitted with the following information:
  - 1. Complete tax account number and a map showing the boundaries of the site;
  - 2. Detailed information on the quantity of the resource at the site;
  - 3. Detailed information on the quality of the resource at the site;
  - 4. A plot plan showing that the proposed site meets all applicable setbacks in the Klamath County Land Development Code as applicable;
  - 5. Submit a detailed report of all potential and mapped conflicting uses as identified in Section 57.040, including, but not limited to, farm and forest uses, dwelling units and other significant natural, cultural and Goal 5 resources;
  - 6. A submittal of findings that the proposed resource site meets and satisfies any applicable development and/or special use standards in this Code;
  - 7. A submittal of findings that the proposed resource site meets the criteria set forth under Articles 48 or 49 of the Klamath County Land Development Code.

**57.090 - RESOURCE MANAGEMENT AGENCIES**

**A. Mineral and Aggregate Resources**

1. Oregon Department of Geology and Mineral Industries
2. Oregon Department of Fish and Wildlife
3. Oregon Department of Environmental Quality
4. Oregon State Highway Division
5. Klamath County Public Works Department

**B. Bear Valley**

1. U.S. Fish and Wildlife Service
2. Oregon Department of Fish and Wildlife
3. Oregon Department of Forestry

**C. Wetlands/Riparian Areas/Class I Streams/Fish Habitat**

1. U.S. Fish and Wildlife Service
2. U.S. Bureau of Reclamation
3. Oregon Department of Environmental Quality
4. Oregon Department of Fish and Wildlife
5. Oregon Division of State Lands
6. Klamath Tribe

**D. Upland Game Bird Sites**

1. Oregon Department of Fish and Wildlife
2. Klamath Tribe

**E. Raptor Nest Sites and Rookeries**

1. Oregon Department of Fish and Wildlife
2. U.S. Fish and Wildlife Service
3. U.S. Forest Service
4. U.S. Bureau of Land Management

**F. Big Game**

1. Oregon Department of Fish and Wildlife
2. Klamath Tribe

**G. Natural Areas**

1. U.S. Forest Service
2. U.S. Bureau of Land Management

**H. Groundwater Resources**

1. Oregon Department of Water Resources
2. Oregon Department of Environmental Quality

I. Geothermal Resources

1. Oregon Department of Energy

J. Historic Buildings and Sites

1. Oregon State Historic Preservation Office
2. Klamath County Historical Landmark Commission

K. Archeological Resources

1. Klamath Tribe
2. Oregon State Historic Preservation Office

L. Wild and Scenic Waterways

1. Oregon Department of Parks and Recreation
2. U.S. Forest Service
3. U.S. Bureau of Land Management

**ARTICLE 58**  
**AIRPORT SAFETY OVERLAY - KINGSLEY FIELD (ASK)**

**58.010 - AIRPORT SAFETY ZONES DEFINED**

Safety zones include all land lying underneath or within approach zones, transitional zones, horizontal zones and conical zones as they apply to the City of Klamath Falls Kingsley Field. Such safety zones are shown on the Kingsley Field Airport Master Plan 1987-2005, adapted by the City of Klamath Falls, January 1988. The safety zones are defined as follows:

- A. Precision Instrument Runway Approach Zone - A surface 1,000 feet wide at the end of Runway 32 and expanding uniformly to a width of 16,000 feet 50,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.
- B. Non-precision Instrument Runway Approach Zone - A surface 1,000 feet wide at the end of Runway 14 and expanding uniformly to a width of 3,500 feet 10,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.
- C. Utility Runway Visual Approach Zone - A surface 500 feet wide at the end of Runway 7-25 and expanding uniformly to a width of 1,250 feet 5,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.
- D. Transitional Zones - Surfaces extending outward and upward at 90-degree angles to the runway centerline at a slope of 7 to 1. Transitional zones for portions of the precision approach zones which project through and beyond the limits of the conical surface extend 5,000 feet from the edge of the approach zones measured at 90-degree angles to the runway centerline.
- E. Horizontal Zone - A surface established by swinging arcs of 10,000 feet radii from the centerline of each end 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.



- F. Conical Zone - A surface at the periphery of the horizontal zone extending outward a distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

**58.020 - USE RESTRICTIONS**

- A. Safety Hazards - No land use is permitted within any airport safety zone defined in Section 58.010 that;
1. Creates electrical interference with navigational signals or radio communication between the airport and aircraft;
  2. Interferes with a pilot's ability to distinguish between airport lights and other lights; or
  3. Results in glare in the eyes of pilots using the airport;
  4. Impairs visibility of the airport by means of smoke or other visual impairments;
  5. Attracts concentrations of birds within 10,000 feet of the airport; or
  6. In any other way creates a hazard or endangers the landing, takeoff, or maneuvering of aircraft using the airport.
- B. Approach Safety Zone - On lands lying within approach zones defined in Section 58.020, the following restrictions shall apply:
1. All development shall be subject to a conditional use permit.
  2. Uses determined by the review body as attracting large groups of people shall be prohibited.
  3. Multifamily residences or any other group residential facility shall be prohibited.
  4. Schools, hospitals, churches and similar civic uses defined by the review body shall be prohibited.
  5. Single-family residences may be permitted at a density not greater than one dwelling per 5 acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on November 15, 1990 regardless of the property's size.

## 58.030 - HEIGHT LIMITATIONS

Notwithstanding other provisions of this code, no building, structure or tree shall be established, maintained or allowed to grow in excess of the height established for the applicable safety zone. Height limitations for the applicable safety zones are defined as follows:

- A. Precision Instrument Runway Approach Zone - The surface coincident with Runway 32 extending outward and upward at a slope of 50 to 1 beginning at the end of, and at the same elevation as, the primary runway surface and extending 10,000 feet outward along an extension of the runway centerline; thence extending outward and upward at a slope of 40 to 1 an additional 40,000 feet outward at a slope of 40 to 1 an additional 40,000 feet outward along an extension of the runway centerline.
- B. Non-precision Instrument Runway Approach Zone - The surface coincident with Runway 14 extending outward and upward at a slope of 40 to 1 beginning at the end of, and at the same elevation as, the primary runway surface and extending 5,000 feet outward along an extension of the runway centerline.
- C. Utility Runway Visual Approach Zone - This surface coincident with Runway 7-25 extending outward and upward at a slope of 20 to 1 beginning at the end of, and at the same elevation as, the primary runway surface and extending 5,000 feet outward along an extension of the runway centerline.
- D. Transitional Zones - The surface extending outward and upward beginning at the side of and at the same elevation as, the primary runway surface and the approach zones, and extending to where it intersects the horizontal zone. Where the approach surfaces pass through the conical surface, the transitional zone shall be the surface extending outward and upward at a slope of 7 to 1 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, the transitional zone shall be the surface extending outward and upward at a slope of 7 to 1 beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending a horizontal distance of 5,000 feet outward measured at 90-degree angles to an extension of the runway centerline.
- E. Horizontal Zone - An elevation of 4,242 feet above mean sea level, or 150 feet above the airport.

- F. Conical Zone - The surface extending outward and upward at a slope of 20 to 1 beginning at the periphery of the horizontal zone and extending to an elevation of 4,442 feet above mean sea level, or 350 feet above the airport.
  
- G. Applicable Height Limitation - Where an area may be subject to more than one height limitation, the more restrictive limitation shall apply.

**ARTICLE 58.2**  
**AIRPORT NOISE OVERLAY - KINGSLEY FIELD (ANK)**

**58.210 - APPLICATION**

Noise measurements in the vicinity of the Klamath Falls/Kingsley Field are expressed in terms of day-night average sound level (Ldn) contours. The Ldn contours designated on the Klamath County Comprehensive Plan and official zoning map 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, December, 1980.

**58.220 - PERMITTED AND CONDITIONALLY PERMITTED USES**

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 article. In no case shall the airport noise overlay permit a more intensive use than that allowed by the basic zone designation.

**A. Area Within the 67-70 Ldn Contours:**

1. 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.
2. Conditionally permitted uses include single-family and multifamily residential uses, commercial uses, civic uses, offices, lodging, 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 5 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.

**B. Area Within the 70 and Greater Ldn Contour:**

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

2. Conditionally permitted uses include civic and commercial uses, offices, and lodging uses in accordance with the basic zone designation.
3. Prohibited uses include permanent residential, community education, religious assembly, cultural exhibits and library services, and any health care related use.

#### 58.230 - MITIGATION OF NOISE IMPACTS

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

- A. 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.

**ARTICLE 58.4**  
**AIRSTRIP SAFETY OVERLAY**  
**BEAVER MARSH, CHILOQUIN, CRESCENT LAKE AND MALIN (AS)**

**58.410 - AIRSTRIP SAFETY ZONES DEFINED**

Safety zones include all land lying underneath or within primary zones, horizontal zones, conical zones, approach zones and transitional zones for the airstrips at Beaver Marsh, Chiloquin, Crescent Lake and Malin. The safety zones are defined as follows:

- A. Primary Zone - A surface 500 feet in width centered on the runway and extending 220 feet beyond each end of the runway.
- B. Horizontal Zone - A surface 150 feet above the airport elevation created by swinging arcs of 5,000 feet radii from the center of each end of the primary runway surface and connecting the adjacent arcs by lines tangent to the arcs.
- C. Conical Zone - A surface extending 4,000 feet as measured radially from the horizontal surface outward and upward at a slope of 20 to 1.
- D. Approach Zone - A surface the same width and elevation of the runway and expanding uniformly outward and upward at a slope of 20 to 1 to a width of 1,250 feet 5,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.
- E. Transitional Zone - All that land which lies directly under and 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. A surface extending outward and upward at right angles to the runway centerline 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.

**58.420 - USE RESTRICTIONS**

- A. Safety Hazards - No land use is permitted within any airport safety zone defined in Section 58.410 that:
1. Creates electrical interference with navigational signals or radio communication between the airport and aircraft;
  2. Interferes with a pilot's ability to distinguish between airport lights and other lights;
  3. Results in glare in the eyes of pilots using the airport;
  4. Impairs visibility of the airport by means of smoke or other visual impairment;
  5. Attracts concentrations of birds within 10,000 feet of the airport; or
  6. In any other way creates a hazard or endangers the landing, takeoff, or maneuvering of aircraft using the airport.
- B. Approach Zones - On lands lying within approach zones defined in Section 58.410, the following restrictions shall apply:
1. All development shall be subject to a conditional use permit.
  2. Uses determined by the review body as attracting large groups of people shall be prohibited.
  3. Multiple-family residences or any other group residential facility shall be prohibited.
  4. Schools, hospitals, churches and similar civic uses as defined by the review body shall be prohibited.
  5. Single-family residential may be permitted at a density not greater than one dwelling per 5 acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on November 15, 1990 regardless of the property's size.

58.430 - HEIGHT RESTRICTIONS

Notwithstanding other provisions of this code, no building, structure or tree shall be established, maintained or allowed to grow so as to project above or into any of the surface defined in Section 58.410. Where an area may be subject to more than one height limitation, the more restrictive limitation shall apply. Nothing in this subsection shall be construed as to prohibit any building, structure or tree not greater than 30 feet in height in any safety zone.

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**ARTICLE 59**  
**FLOOD HAZARD OVERLAY (FHZ)**

**59.010 - PURPOSE**

The purpose of this overlay 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.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Klamath County", dated December 18, 1984 with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be part of this code. The Flood Insurance Study is on file at the Klamath County Planning Department.

**59.020 - FLOOD HAZARD AREA DEFINED**

The special flood hazard area is land within the 100-year flood level as shown on the current Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps prepared for the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA).

**59.025 - FLOOD HAZARD DETERMINATION**

A flood hazard determination will be provided pursuant to a Type I Administrative Review (Article 22.030). A request for a flood hazard determination shall be accompanied by a completed form and a fee set by the County Commissioners.

**59.030 - INTERPRETING FLOOD MAPS**

When base flood elevations have not been provided by flood hazard maps or where the applicant believes the property is not located in a flood hazard area, the applicant shall provide the Planning Director documentation based on information available from other sources in order to implement this article.

**59.040 - DEVELOPMENT REQUIREMENTS**

All proposed development that occurs within a special flood hazard area is subject to regular development permit procedures and in addition shall be referred to the County Engineer or Building Officials as provided below:

- A. Normal Depth Analysis - A normal depth analysis or other equivalent engineering analysis may be required 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:

1. Plans drawn to an appropriate scale showing the location, dimensions, and elevation to 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;
  2. 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 highwater information sufficient to define the 100-year storm flood profile; and
  3. A profile showing the slope of the bottom of the channel or flow line of the stream.
- B. Structural Plan - Where information that proposed structures are located outside the floodway but within the flood fringe, a structural plan shall 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 use will not subject occupants to undue risk of flooding. Such structural plans shall include, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. Site design standards, if necessary, shall be determined during the review procedure.

#### 59.050 - PERMIT REVIEW

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.

#### 59.060 - RECORD KEEPING

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

- A. The elevation above mean sea level of the lowest floor (including basement) and certification of all new or substantially improved structures, and whether or not the structure has a basement.
- B. The elevation above mean sea level and certification for all new or substantially improved flood-proofed structures.

#### 59.070 - EXEMPTIONS TO FLOOD HAZARD AREA STANDARDS

All uses proposed within a Flood Hazard Overlay Zone are subject to the standards presented herein, except:

- A. 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.
- B. 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.
- C. 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.
- D. Structures necessary to make use of a water right.

#### 59.080 - SITE DESIGN STANDARDS

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

- A. Lot Area, Lot Dimensions, Yard, Building Heights, Distance between Buildings, Signs and Off-Street Parking shall be in accordance with the basic zone requirements.
- B. 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.
- C. 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.

## 59.090 - GENERAL DEVELOPMENT STANDARDS

In all areas of special flood hazard, 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 new manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage.
3. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors.

### 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. Subdivisions

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 contains at least 50 lots or 5 acres (whichever is less).

#### 59.100 - UNAVAILABLE ELEVATION DATA

Where elevation data is not available, applications for building permits shall be reviewed to ensure 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.

#### 59.110 - SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data is available or has been provided the following provisions are required:

##### A. Residential Construction

1. New constructions and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Fully enclosed areas below the lowest level that is subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all opening shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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 above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed 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 buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director;
4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in this subsection; and
5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofing level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

- C. Manufactured Homes - All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored permanent foundation system in accordance with the provisions of Section 59.090(A).

#### 59.120 - FLOODWAYS

In areas of special flood hazard areas designated as floodways the following activities are prohibited: 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.

#### 59.130 - ALTERATION OF WATER COURSES

- A. The alteration or relocation of a watercourse shall comply with the provisions of Article 57 as well as all other applicable state and federal regulations governing waterway development.
- B. The altered or relocated portion of any watercourse shall be maintained so that the flood carrying capacity is not diminished.

**ARTICLE 59.4**  
**GEOHERMAL OVERLAY (GEO)**

**59.410 - 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.

**59.420 - APPLICATION**

The Geothermal Overlay Zone shall be applied only to land meeting all of the following standards:

- A. 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.
- B. Data indicating that the quality and quantity of the geothermal resource exists to support the proposed industrial or commercial development.
- C. 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.
- D. That the resource must be used, and used primarily for either industrial or commercial process uses.
- E. That geothermal resource shall be used in accordance with any State or Federal laws in effect.

**59.430 - PERMITTED USES**

Any use types which are either permitted outright or conditionally permitted as provided by Chapter 50 in the Industrial or Commercial zones shall be permitted provided such uses are primary geothermal process users.

59.440 - CONDITIONAL USES

Residential and commercial uses secondary to an industrial or commercial geothermal use may 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 geothermal use. Commercial and residential uses which are secondary to industrial or commercial uses may be allowed subject to the following:

- A. Any request to develop secondary residential or commercial uses shall identify the specific industrial or commercial geothermal use or uses for which the residential and 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:
  1. Residential
    - a. The employment level of the proposed uses; and
    - b. The availability of other housing and vacant residential land within a reasonable commuting distance.
  2. Commercial
    - a. The employment level of the process use or uses;
    - b. The availability of other commercial land within a reasonable commuting distance; and
    - c. The number of approved residential dwellings found necessary to support proposed or existing geothermal uses.
- B. The geothermal Concept Plan may identify the amount and location of secondary residential or 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 use or uses to which the residential or commercial uses are identified as secondary. No building permits for secondary residential or commercial shall be issued until building permits for industrial or commercial geothermal use have been issued and construction has commenced.

59.450 - 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 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.

- A. 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 Sections 59.460 and 59.470. 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.
- B. The review 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 Section 59.470. 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 Section 59.480.
- C. Approval of Development Plans shall also be subject to the criteria of Section 59.440.
- D. 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.

- E. In the case of land zoned Geothermal as of July 1, 1990, 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 with the above application.

**59.460 - 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 Section 59.460 and the standards in Section 59.470. The Planning Director shall schedule and hold a Concept Plan review with the applicant. At said conference, the applicant or an 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 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 shall 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 will not be implemented until the development plan has received approval.

**A. 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. Certified Land Use Planner;
5. Registered Land Surveyor.

**B. CONCEPT PLAN:**

The following information must be submitted within the Concept Plan:

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

**59.470 - CONCEPT PLAN STANDARDS**

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

- A. 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.

- B. Soil Stability and Land Stability - 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 (over 25 percent), the requirements of Article 73 shall 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.
- C. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
1. 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.
  2. 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.
- D. 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.
- E. Access - The development must be accessible by improved County, State, or private roads.
- F. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
- G. 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.
- H. 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 57 shall be required.

- I. Land Use Conflicts Relating to Industrial/Commercial and Residential Mixes - Where additional residential development would create a significant economic hardship on surrounding industrial or commercial development, additional residential development may be denied.
- J. 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.
- K. Other Standards - The reviewing body may require that other standards deemed necessary by finds of fact be met (i.e., standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).

#### 59.480 - 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 request 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 40 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:

- A. A development scheme which assures that uses are consistent with the approved geothermal Concept Plan;
- B. 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:

- A. Narrative:
  - 1. A statement of location and intensity of proposed uses and activities, including:
  - 2. Public and private open spaces;

3. A physical description of proposed facilities accommodating such uses, including type of buildings, structure;
  4. Landscaping;
  5. Circulation plan;
  6. Statement of location and general configuration of lands to be dedicated for public open space;
  7. Other public uses, general description of utilities, general statement of form of site management proposed in areas of significant natural resources;
  8. 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;
  9. The phase schedules of proposed major public facilities;
  10. Schools, fire protection, police protection, sanitary and water facilities;
  11. Where possible, buildings situated on least productive soils;
  12. Geothermal process temperature needs of the proposed use(s);
  13. Transportation, shipping, and utility needs of the proposed use(s); and
  14. Land area needs (developed, expansion, and support areas).
- B. 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.

- C. Description of Surrounding Area - A set of maps and statement providing information on the character and use of the surrounding area.
- D. 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.

#### **59.490 - SITE DESIGN AND DEVELOPMENT STANDARDS**

- A. Site development standards contained in Chapter 60 for lot size and shape and building setbacks and yards may be waved 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.
- B. Standards for roadways improvement in urban areas contained in Section 71.090 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 50 feet wide right-of-way, 8 inches of base rock, 24 feet wide pavement, and 2 feet wide gravel shoulders for a total improved top width of 28 feet, and adequate drainage facilities as required by the County Engineer.
- C. Standards for roadway improvement in Rural Areas contained in Section 71.100 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 50 feet wide right-or-way, 22 feet in width improved with a minimum of 6 inches of gravel or cinders and adequate drainage facilities as required by the County Engineer.

59.495 - 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, and may be referred to the Planning Commission as necessary.

## ARTICLE 59.8 LIMITED USE OVERLAY (LU)

### 59.810 - PURPOSE

The purpose of the Limited Use Overlay is to limit permitted uses allowed in the underlying zone to only those uses which are justified in a required "exception statement" or, in the case where a statement is not required, testimony and evidence gathered in the review process.

### 59.820 - APPLICATION

- A. When an "exception" is taken to the Statewide Planning Goals for a comprehensive plan change, the Limited Use Overlay shall apply to the property in question.
- B. If an "exception" is not required, the Limited Use Overlay may be applied to the property in question if the review body finds the overlay will further the purpose and intent of the Planning process.
- C. Uses permitted in the underlying zone shall be limited to those uses specifically referenced in the comprehensive plan amendment/zone change and the accompanying exception statement.
- D. The Limited Use Overlay shall not be used to authorize uses not expressly provided for in the underlying zone.
- E. The Limited Use Overlay shall apply to the property until it is specifically removed via a subsequent comprehensive plan amendment and zone change.

### 59.830 - PROCEDURE

- A. The Limited Use Overlay may be applied through the plan amendment process at the time the underlying plan and zone designation is changed.
- B. The Limited Use Overlay may be applied through a zone change process at the time the underlying zone is changed.
- C. The order adopting the comprehensive plan amendment/zone change shall specify the permitted use(s) approved and shall specify the application of the Limited Use Overlay.
- D. The permitted use, or description thereof, may be qualified as necessary to achieve the intent of the Limited Use Overlay.

**59.840 - OFFICIAL PLAN/ZONING MAP**

The official plan/zoning map shall be amended to note the application of the Limited Use Overlay to any applicable parcel.

**59.850 - SITE PLAN REQUIREMENT**

- A. In addition to limiting the uses permitted through a comprehensive plan amendment, site plan approval may be required to ensure compatibility of the use(s) allowed with other existing uses in the area.
- B. Site plan requirements may be added by specific reference to the adopting order.
- C. All other requirements of the underlying zone remain in effect unless specifically altered by site plan approval incorporated in the adopting order.



CHAPTER 60  
PLANNING DEPARTMENT DEVELOPMENT STANDARDS

ARTICLE 60  
BASIC PROVISIONS

60.010 - 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.

60.020 - APPLICATION

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

60.030 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

As used in this chapter, urban area means any property or lands located within an Urban Growth Boundary of Bonanza, Chiloquin, Klamath Falls, Malin and Merrill established by a Comprehensive Plan. Rural area means all other property or lands.

## ARTICLE 61 LOT SIZE AND SHAPE

### 61.010 - 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 50 feet, unless otherwise specified by this code.
- B. Lot Depth - Each lot shall have a minimum depth of 100 feet.
- C. Lot Area - Each lot shall have a minimum area as required by the zone unless otherwise specified by this code.
- D. Corner Lot - Corner lots shall have a minimum width of 60 feet to permit appropriate building setbacks.
- E. 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 may be radial to the curve.
- F. Minimum Standards - The minimum standards of this section shall apply except:
  - 1. In subdivisions or partitions that will not be served by public or private sewer system and central water supply systems, the lots or parcels shall be a minimum of 1 acre in area. Special topography or hydrologic conditions may demand a larger minimum lot or parcel size.
  - 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.

3. Where 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 Office survey contains 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 road way or easement, or right-of-way, out of any or all boundaries, shall by definition be considered to meet the minimum lot size.
4. However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered as a single unit of land until such time as the property is further subdivided or partitioned.

#### 61.020 - FLAG LOTS

The use of panhandle or flag lots as a means of access to a lot or parcel shall be permitted only where:

- A. The "flagpole" does not exceed a length 2.5 times the average lot width, excluding the flagpole, or twice the depth of the lot, whichever dimension is the lesser.
- B. The "flagpole" maintains a constant minimum width of 30 feet.
- C. The natural grade of the "flagpole" permits construction of a driveway with a grade not exceeding 12 percent.
- D. The driveways or "flagpole" portions of two lots or parcels are not contiguous.

## ARTICLE 62

### HEIGHTS AND SETBACKS

#### 62.010 - PURPOSE

The purpose of this article is to establish and maintain minimum requirements for structure heights and setbacks from property lines in order to provide a measure of buffering between uses, ensure adequate privacy, maintain safe visibility at road intersections, ensure access to and around buildings, and provide access to natural light, ventilation and sunlight.

#### 62.020 - HEIGHT REQUIREMENTS

- A. Height requirements specified in Section 62.040 or Section 62.050 shall be observed unless specified otherwise in Article 58 (Airport Safety Area - Kingsley Field) or in Article 58.4 (Airport Safety Areas - Crescent Lake, Beaver Marsh, Chiloquin and Malin).
- B. Except in Airport Safety Areas, height limitations shall not apply to barns, silos, water towers or other farm buildings or structures. Projections such as chimneys, amateur radio towers and antennas, flagpoles and other similar objects not used for human occupancy are likewise not subject to height limitations except within an Airport Safety Area, or unless otherwise specified in the code.
- C. The height of a structure or building is to be measured as the vertical distance from the highest point of the structure or building to the average of the highest and lowest points where the exterior walls touch the ground.

#### 62.030 - SETBACK REQUIREMENTS

- A. Setback requirements specified in Section 62.040 shall be observed unless otherwise specified in this Article.
- B. Architectural features such as cornices, eaves, canopies, sunshades, gutters and chimneys shall not be closer than 2 feet to a property lot line.
- C. Decks, terraces, steps, or other similar architectural features which are placed upon the ground or finished grade and do not exceed 30 inches in height above the ground or finished grade shall not be closer than 2 feet to a property lot line.

**62.040 - MINIMUM STRUCTURE HEIGHT AND SETBACK REQUIREMENTS**

The following minimum requirements shall be applied to all permitted, conditional and accessory structures allowed by this code unless specified otherwise. All requirements are measured in feet.

**PRINCIPLE STRUCTURE REQUIREMENTS**  
(Special Height and Setback Requirements may apply)

<u>ZONE</u>	<u>STRUCTURE HEIGHT</u>	<u>SETBACK</u>		
		<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>
RCR	35	20	5	20
R-1	35	25	10	25
R-5	35	25	10	25
RS	35	25	10	25
RL	35	20	5	20
RM	35	20	5	20
RH	35	20	5	20
CN	25	25	See Section 62.050	
CG	50	25	See Section 62.050	
CR	50	25	See Section 62.050	
CT	50	25	See Section 62.050	
IL	50	25	See Section 62.050	
IH	150	25	See Section 62.050	
EFU	--	25	25	25
F	--	25	25	25
FR	--	25	25	25
NR	35	25	25	25
OS&C	--	25	25	25

## 62.050 - SPECIAL SETBACK REQUIREMENTS

### A. Accessory Structures and Buildings

1. Accessory structures and buildings allowed by this code greater than 14 feet in height shall meet the setback requirement.
2. Accessory structures and buildings not greater than 14 feet in height may be permitted not less than 5 feet from a side or rear lot line.
3. Accessory structures and buildings shall not be permitted in the side yard abutting a street in corner lots.

### B. Corner Lots

1. The side yard setback on the street side of a corner lot shall be 15 feet in R-5, R-1 and RS zones.
2. The side yard setback on the street side of a corner lot shall be 25 feet in commercial and industrial zones.
3. The side yard setback on the street side of a corner lot shall be 10 feet in all other zones.
4. The side yard setback on the street side of a corner lot shall be 5 feet in any zone where the lot or parcel is less than 50 feet wide as measured across the front property line.

### C. Commercial and Industrial Zone Setbacks

Side and rear setbacks are not required except:

1. For corner lots;
2. Where building codes require a setback;
3. Where a commercial or industrial zoned property abuts a residential zone in which case the minimum setback shall be 25 feet plus 1 foot for each 3 feet of building height greater than 12 feet; or
4. Where a commercial or industrial zoned property abuts an alley or right-of-way, the rear setback shall be a minimum of 10 feet.

### D. Distance Between Buildings

1. An accessory building shall be located no closer than 6 feet to the principal dwelling.

2. Any accessory building sheltering livestock or other animals shall be located no closer than 50 feet to any dwelling or other building used for human habitation.
3. Principle residential buildings shall be located no closer than 10 feet or 1/2 the height of the tallest structure, which ever is greater.
4. Nonresidential structures or buildings shall be sited as provided for in the Uniform Building code.

E. Utility or Access Easements

No structure or building shall be built or placed in an utility or access easement. Where an easement conflicts with the allowable setback, a structure or building shall be set back an additional 2 feet from the easement.

F. Setbacks from Waterways

1. Unless otherwise specified by this code, no structure, building, or subsurface septic system shall be located within 100 feet of streams, surface water bodies or wetlands. Measurement of the setback from streams and surface water bodies shall be at right angles to the mean high water line.
2. In the case where the mean high water line cannot be established, the Watermaster shall determine the line.
3. Development within 100 feet of streams, surface water bodies or wetlands shall comply with Article 57 - Significant Resource Overlay.
4. Nothing in this subsection shall exempt any development from the requirements of Article 59 - Flood Hazard Area.
5. Notwithstanding this subsection, structures necessary and required to make use of a water right may be permitted within 100 feet of waterways.

**62.060 - VISION CLEARANCE**

No structure, fence, wall, hedge, sign, or other visual obstruction shall be created, placed, maintained or allowed to grow between 3 and 10 feet in height within 25 feet of the intersection of the right-of-way lines of two streets, a public street and a private street, or a street and a railroad property line. Height shall be measured from the edge of the improved roadway surface. In accordance with the Type I Administrative Review Procedure, the Planning Director may order the removal or modification of such sight obstructions which conflict with this section. The Planning Director's Order may be appealed pursuant to Article 33.

## ARTICLE 64

### FENCES, WALLS AND SCREENING

#### 64.010 - PURPOSE

The purpose of establishing and maintaining standards for fences, walls and screening are to protect certain uses from intrusion, to protect the public from uses which may be hazardous, and to increase compatibility of different land uses.

#### 64.020 - VISION CLEARANCE

No fence, wall, hedge, or other visual obstruction shall be created, placed, maintained or allowed to grow between 3 and 10 feet in height within 25 feet of the intersection of the right-of-way lines of two streets, a public street and a private street, or a street and a railroad property line. Height shall be measured from the edge of the improved roadway surface. In accordance with the Type I Administrative Review Procedure the Planning Director may order the removal or modification of such sight obstructions which conflict with this section. The Planning Director's order may be appealed pursuant to Article 33.

#### 64.030 - PERMITTED FENCES, WALLS AND HEDGES

- A. Fences, walls and hedges not greater than 6 feet in height may be permitted on or inside any property line, unless otherwise specified in the code.
- B. Fences, walls and hedges located on or inside front property lines shall not obscure vision from a public street, road or access to the dwelling or other primary structure on the property, unless otherwise specified in this code.
- C. Fences, walls and hedges shall be maintained with public safety and a neat and orderly appearance in mind.

#### 64.040 - SPECIAL HEIGHT ALLOWANCES

Fences not greater than 12 feet in height enclosing an area for business security purposes, or enclosing school or playgrounds may be permitted provided the fence material does not obscure vision from a public street, road or access into the property.

**64.050 - SWIMMING POOL FENCING**

Private swimming pools shall be fenced to exclude unsupervised access and use by small children. Such fencing shall be a minimum of 5 feet high and shall be equipped with a self-closing and self-latching gate. Latching devices shall be located at a minimum height of 4 feet above the ground.

**64.060 - REQUIRED SCREENING**

- A. A sight obscuring fence or wall at least 8 feet in height is required within side or rear property lines where;
  - 1. A nonconforming commercial or industrial land use abuts property occupied by a use or activity allowed by the zone; or
  - 2. A commercial or industrial zone abuts property not commercially or industrially zoned.
- B. Outdoor storage in a commercial or industrial zone shall be screened from view on all sides by a sight obscuring fence, wall or hedge at least 8 feet in height.
- C. Public or private utility substations shall be screened from view on all sides by a sight obscuring fence, wall or hedge at least 8 feet in height.
- D. Outdoor mechanical equipment appurtenant to commercial or industrial uses shall be screened from view from adjacent property or a public street, road or access.

## ARTICLE 65 LANDSCAPING

### 65.010 - PURPOSE

The purposes of landscaping requirements are to maintain and enhance the appearance of structures and properties, to provide for visual privacy and a quality visual environment, and to provide areas on sites to absorb rainfall and reduce stormwater runoff.

### 65.020 - REQUIRED LANDSCAPING

The following uses shall provide for and permanently maintain landscaping as required by this article:

- A. Uses in all commercial zones within Urban Growth Areas;
- B. Uses in the Light Industrial (IL) zone within the Urban Growth Areas;
- C. Mobile Home Parks;
- D. Multifamily residential structures, residential care facilities and residential care homes;
- E. Planned Unit Developments and Geothermal Resource Developments; and
- F. All uses within Urban Growth Areas requiring off-street parking pursuant to Article 68.

### 65.030 - LANDSCAPING STANDARDS

- A. Coverage - All portions of front, rear, and side yards not covered by a structure or by required parking and access driveways shall be landscaped unless otherwise specified by this code.
- B. Parking Areas
  - 1. Where off-street parking for 10 or more vehicles is required the perimeter of parking areas shall be landscaped.
  - 2. Landscaping shall include 15 square feet for each parking space.

- C. Materials - Landscaping shall consist of live ground cover, forbs, grasses, shrubs, trees with sufficient irrigation facilities to maintain all vegetation. Native vegetation or vegetation suited to local climatic conditions should be used. Landscaping may include decorative design elements including but not limited to pools, planters, rock gardens or similar elements.
- D. Installation - Sites shall be inspected for presence and viability of required landscaping six months after site plan approval. Failure to install or maintain landscaping shall be considered a violation, and will be processed in a manner consistent with Article 14.

#### 65.040 - RESTRICTIONS

- A. Landscaping shall not be established or maintained within public right-of-ways or easements without approval of the appropriate entity having control of the right-of-way or easement.
- B. The following plants are prohibited from use toward meeting landscaping requirements of this code:
  - 1. Poplars (*Populus sp.*)
  - 2. Willows (*Salix sp.*)
  - 3. Elms (*Ulmus sp.*)
  - 4. Box Elders (*Acer negundo*)
- C. No landscaping feature shall be created, placed, maintained or allowed to grow between 3 and 10 feet in height within 25 feet of the intersection of the right-of-way lines of two streets, a public street and a private street, or a street and a railroad property line. Height shall be measured from the edge of the improved roadway surface. In accordance with the Type I Administrative Review Procedure the Planning Director may order the removal or modification of such sight obstructions which conflict with this section. The Planning Director's order may be appealed pursuant to Article 33.

*Revised 10/1/10*

**ARTICLE 66**  
**SIGNS**

**66.010 - PURPOSE**

The purpose of sign regulations is to support the use of signing which is maintained in a safe and attractive condition, and to preserve and enhance the County's visual environment.

**66.020 - EXEMPT SIGNS**

- A. Directional, warning, or information signs required or authorized by law which are installed and maintained by federal, state, county or municipal officials or by utility or railroad companies;
- B. Official notices issued by a court or public body and posted in the performance of a public duty;
- C. House identification numbers;
- D. Personal property signs such as "no trespassing", "no hunting", "no parking"; and
- E. Signs that can not be viewed from a public streets, road or access, signs that can not be viewed from adjacent properties such as signs inside shopping malls, commercial buildings and structures and stadiums.

**66.030 - SIGN STANDARDS**

- A. On-premise signs may be permitted according to standards identified in this section unless otherwise specified in Section 66.040. All requirements are measured in feet.

BASIC SIGN REQUIREMENTS  
(Special Requirements may apply, See Section 66.040)

MAXIMUM SIGN AREA  
(square feet)

<u>ZONE</u>	<u>SIGN HEIGHT</u>	<u>IDENTIFICATION SIGNS</u>	<u>SALES SIGNS</u>
RCR	10	6	6
R-1	10	6	6
R-5	10	6	6
RS	10	6	6
RL	10	6	6
RM	10	6	6
RH	10	36	6
CN	20	80	25
CG	30	300	25
CR	30	300	25
CT	30	300	25
IL	30	300	25
IH	30	300	25
EFU	10	25	25
F	10	25	25
FR	10	25	25
NR	10	25	25
OS&C	10	25	--

B. Sign area may be allowed in excess of 300 feet in the CG, CT, IL, and IH zones by Type I Administrative Review in accordance with the following building size requirements (all measurements are in square feet).

<u>Building Size</u>	<u>Sign Area</u>
0 - 5,000	300
5,001 - 10,000	400
10,001 - 15,000	500
> 15,000	600

C. As used in this section, the following definitions shall apply:

1. Identification signs shall mean signs used to indicate the name, address, operation or direction to a business conducted on the property.
2. Sale signs shall mean signs used to advertise property for sale, lease or rent.
3. Premises: (a) The premises on which any activity is conducted is determined by the physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses; (b) Except for farms and ranches, the following will not be considered to be part of the premises on which the activity is conducted and any signs located on such land will be considered outdoor advertising signs:
  - (A) Any land which is not used as an integral part of the principal activity. This would include, but is not limited to: (i) Land which is separated from the activity by a public road; (ii) Land which is separated by an obstruction and is not used by the activity; and (iii) Land that is undeveloped highway frontage adjacent to the land actually used by the advertised activity, even though it might be under the same ownership.
  - (B) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity would not be part of the premises on which the activity is located even though under the same ownership;
  - (C) Any land which is separated from the principal activity, and is developed or used only at the sign site by structures or uses which are only incidental to the principal activity, and which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes;
  - (D) Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity advertised is being conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes except the major entrance or exit roadway to or from the premises which serves only the advertised activity.

D. No sign shall be placed and maintained in public street right-of-way or utility right-of-way or easement.

- E. Sign Area -- Sign area is to be calculated as the number of square feet of the smallest rectangle within which the sign can be enclosed as follows:
1. 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 the larger of the two faces, if different;
  2. Where a sign is composed of letters mounted or painted on a building wall or other architectural feature, the sign area is to be calculated as the smallest rectangle within which all characters and images can be enclosed; or
  3. Where a sign consists of one or more three-dimensional objects, the sign area shall be calculated as largest area of a side of a cube enclosing the entire object.
- F. Sign Maintenance - All signs and advertising objects shall be maintained in a neat, legible, and orderly condition. All signs pertaining to a discontinued use or activity shall be removed no later than 6 months following discontinuance of the use.
- G. Illumination - Illuminated signs shall be lighted by continuous, stationary, shielded light sources directed solely at the sign or internal to the sign. Signs shall be illuminated so as to prevent direct illumination or glare onto any public street or road, or onto adjacent property. Signs consisting of any flashing component shall be prohibited where they are visible from any street or highway.
- H. Computerized electronic message boards shall be permitted in conjunction with a commercial use only after approval signature is received from the jurisdiction controlling adjacent rights-of-way.

#### 66.040 - SPECIAL SIGNS

- A. Temporary Signs
1. Campaign signs shall meet all sign standards of this code and shall be removed no later than 10 days following the appropriate election date.
  2. Construction/Development signs denoting an architect, contractor, developer or owner may be placed on the site of a building or structure under construction or development. No such sign shall be greater than 36 square feet in size and shall be removed upon completion of construction or development.

B. Outdoor Advertising Signs

Notwithstanding provisions of ORS Chapter 377, no outdoor advertising sign greater than 300 square feet as defined in this code shall be placed or installed on any lot or parcel that is not zoned for commercial or industrial purposes and is not within a defined UGB or RSC boundary. Total sign area per parcel where the Outdoor Advertising Sign is to be located must not exceed the total sign area allowed under 66.030. Outdoor advertising signs existing as of November 15, 1990, may continue subject to regulation by the Oregon State Highway Division.

C. A-Frame signs may be permitted in any commercial or industrial zone based on the following standards:

1. The sign is not located within a public right-of-way;
2. The sign area does not exceed 10 square feet;
3. The sign advertises goods, products or services which are manufactured, distributed or sold on the premises on which the sign is located.

**66.050 - NONCONFORMING SIGNS**

- A. Any sign existing on or before November 15, 1990 which does not comply with all requirements of this article may be continued as a nonconforming use.
- B. Alteration of any nonconforming sign, except to bring the sign into full conformance with this code, shall require a conditional use permit.

**66.060 - SIGNS NOT ADDRESSED**

Signs not addressed or otherwise regulated by this article may be permitted in any zone by Conditional Use Permit. All standards in this article shall apply.



## ARTICLE 68

### OFF-STREET PARKING AND LOADING

#### 68.010 - PURPOSE

The purpose of off-street parking and loading requirements is to establish and maintain areas for efficient and convenient parking for residential, civic and commercial uses and to provide a safe means for discharging people and products from ground transportation.

#### 68.020 - GENERAL PROVISIONS

- A. No parking area provided for the purpose of complying with the provisions of this code shall be eliminated, reduced or converted to another use unless equivalent facilities are provided in conformance with this article.
- B. Additions or expansions of any structure or use on a property shall be accompanied by parking facilities to replace parking lost or achieve conformance with this article.
- C. Required parking facilities of two or more uses, structures or contiguous lots or parcels may be satisfied by the same parking facilities used jointly, to the extent that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- D. Space computations for any parking requirements which result in fractional requirements shall be increased to the next higher full digit.
- E. Parking requirements for types of buildings, structures, or uses not specifically listed in Section 68.030 shall be determined by the Planning Director according to the Type I Administrative Review Procedure, and be based on the parking requirements of comparable uses listed in this code.

**68.030 - OFF-STREET PARKING REQUIREMENTS**

The following off-street parking requirements shall apply to all buildings, structures, developments and land uses unless otherwise specified in this code.

Single-family,	2	spaces per dwelling unit manufactured home,
Multifamily	1.5	spaces per dwelling unit
Residential Care	1	space per 4 residents at design capacity
Religious Assembly	1	space per 4 seats or 8 foot bench or pew in the main assembly.
Library, Cultural Exhibits	1	space per 400 square feet gross floor area
Primary and Secondary Schools	1	space per classroom plus 1 space per administrative employee, and 1 space per 6 students design capacity or 1 space per 4 seats/8 feet of bench in the main auditorium, whichever is greater
College/trade school	1	space per 1.0 faculty FTE plus 1 space per 5 student FTE design capacity
Stadium/Fairground	1	space per 4 seats or 1 space per 8 feet of bench, whichever is greater
Other public assembly recreation, or entertainment	1	space per 4 seats or 1 space per 8 feet 8 feet of bench, or 1 space per 100 feet of gross floor area, which ever is greater
Hospital	1	space per two beds

Transportation	1	space per 2 employees plus 1 space per 3 departing passengers based on average travel day
Professional/Administrative Offices	1	space per employee plus 1 space per 400 square feet gross floor area
Medical Offices	1	space per employee plus 1 space per 200 square feet gross floor area
Retail Sales and Service	1	space per 300 square feet of gross floor area
Retail Sales and Service large items such as furniture and appliances	1	1 space per 750 square feet of gross floor area
Shopping Centers/Department Stores	5	spaces per 1000 square feet of gross floor area
Restaurant/Tavern	1	space per 100 square feet of gross floor area
Motel	1	space per guest room
Warehouse, wholesale, distribution, manufacturing	1	space per employee plus 1 space per commercial vehicle plus 1 space per 700 square feet of patron service area
Heavy Industrial	1	space per each 1.5 employees

**68.040 - DISABLED PERSON PARKING**

Note: All references delineated with an "\*" shall reference ADA Accessibility Guidelines (Federal Register/Vol. 56, No. 173/Friday, September 6, 1991/Rules and Regulations)

**A. Number of Spaces**

If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces complying with 4.6\* shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

B. Dimensions

Access aisles adjacent to accessible spaces shall be 60 inches wide minimum, except that one in every eight accessible spaces, and not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by 4.6.4.\* The vertical clearance at such spaces shall comply with 4.6.5.\* All such spaces may be grouped on one level of a parking structure. EXCEPTION: Provision of all required parking spaces in conformance with "Universal Parking Design" (see appendix A4.6.3\*) is permitted).

C. Passenger Loading Zones

If passenger loading zones are provided, then at least one passenger loading zone shall comply with 4.6.6.\*

D. Medical Facilities

At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 4.6 shall be provided in accordance with 4.1.2(5)(a)\* except as follows:

1. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
2. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

E. Valet Parking

Valet parking: Valet parking facilities shall provide a passenger loading zone complying with 4.6.6\* located on an accessible route to the entrance of the facility. Paragraphs A, B, and C of this section do not apply to valet parking facilities.

- F. Signs - A sign shall be posted for each disabled person parking space required by this section. The sign shall be clearly visible, shall be marked with International Symbol of Access, and shall bear the following words in at least 1 inch high letters:

"Parking with D.M.V. Disabled Permit only. Violators subject to towing under ORS 811.620 and a fine up to \$250 under ORS 811.625"

- G. Location - Parking spaces for disabled persons and accessible passenger loading zones that serve a particular building shall be located on the shortest practicable route to a building entrance.

#### 68.050 - OFF-STREET PARKING FACILITY LOCATION

Parking Area Location - The location of off-street parking and loading facilities shall be in accordance with the following provisions:

- A. Required parking facilities for residential uses shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve.
- B. Required parking facilities for uses other than residential shall be located as follows:
1. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve.
  2. On a lot or parcel of land held under joint ownership, provided such parking or loading facilities relocated adjoining the use or uses served.
  3. On a lot or parcel of land separated only by an alley from the lot or parcel or land on which the use or uses served are located, provided:
    - a. That said lots or parcels or land are in the same or joint ownership and separated only by an alley;
    - b. That direct vehicular access between said lots or parcels of land would be possible in the event the alley as vacated; or
    - c. That such parking facilities are in close proximity to the actual use or uses served.
- C. Required loading facilities shall be located on the same lot or parcel of land as the uses served.

68.060 - DROP-OFF POINTS

Drop-off Points Required - Parking areas for public assembly facilities are to include a designated on site location for dropping off passengers at the entrance to the facility in advance of parking the vehicle. Drop-off areas are to consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points shall be provided for:

- A. Hotels and motels;
- B. Schools with 50 or more students;
- C. Churches with a capacity of 100 or more;
- D. Restaurants with a capacity of 50 or more customers;
- E. Public transportation terminals;
- F. Places of public assembly;
- G. Public Buildings; and
- H. Offices larger than 5,000 square feet gross floor area.

## 68.070 - OFF-STREET PARKING DESIGN STANDARDS

All off-street parking areas shall be designed according to the standards of this section.

- A. Parking space dimensions - All off-street parking spaces shall be no less than 9 feet by 20 feet in size, except as provided in subsection C of this section.
- B. The width of aisles between parking spaces - Aisle width between rows of parking spaces shall be no less than:
  1. 16 feet between rows of parking spaces angled at less than 30 degrees;
  2. 18 feet between rows of parking spaces angled at greater than 30 degrees and less than 60 degrees;
  3. 25 feet between rows of parking spaces angled at greater than 60 degrees.
- C. Parallel parking spaces - All parallel parking spaces shall be no less than 9 by 22 feet in size. Aisle dimensions between parallel parking spaces shall be no less than 12 feet for one-way aisles and 24 feet for two-way aisles.
- D. Parking Access
  1. Driveways serving residential uses shall have a minimum width of not less than 9 feet when serving 4 or less dwelling units and a driveway width of not less than 16 feet when serving 5 or more dwelling units or in lieu of thereof, 2 separate driveways not less than 9 feet in width and unobstructed to a height of 8 feet.
  2. Driveways serving other than residential uses shall have a minimum width of 15 feet to accommodate one-way traffic and a minimum width of 25 feet to accommodate two-way traffic.
  3. Parking areas for 2 or more vehicles shall 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 shall 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 4 or more spaces shall be located and designed as follows:

