

ARTICLE 42 - TEMPORARY USE PERMIT

SECTION 42.001 - PURPOSE

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

SECTION 42.002 - REVIEW PROCEDURE

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

SECTION 42.003 - REVIEW CRITERIA

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

SECTION 42.004 - PROCESSING

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

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

- G. Noncompliance with Conditions - The Planning Director may take action as provided by Article 14 of this Code where it reasonably appears that any condition imposed upon the granting of a Temporary Use Permit has not been complied with.

SECTION 42.005 - IDENTIFICATION OF PERMITTED TEMPORARY USES

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

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

SECTION 42.006 - LOCATION OF TEMPORARY USES

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

SECTION 42.007 - PLOT PLAN REQUIREMENTS

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

SECTION 42.008 - STANDARDS FOR TEMPORARY USES

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

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

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

B. Existing Buildings

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

C. Mobile Home During Construction of Dwelling

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

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

D. Mobile Home as Accessory Use

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

E. Religious and Entertainment Assembly

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

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

MATRIX OF TEMPORARY LAND USES
(Part of Section 42.005)

LEGEND:

° Permitted Upon Approval of
Temporary Use Permit

-Not Permitted

LAND USE ZONES

	TEMPORARY USES	Real Estate Office	Existing Building	Mobile Home During Construction ¹	Mobile Home as Accessory Use	Religious and Entertainment
RESIDENTIAL						
RCR Rural Community Residential		°	°	°	°	°
R-5 Rural		°	°	°	°	°
R-1 Rural		°	°	°	°	°
RS Suburban Residential		°	°	°	°	°
RL Low-Density Residential		°	°	°	°	°
RM Medium-Density Residential		°	°	°	°	°
RH High-Density Residential		°	°	°	°	°
COMMERCIAL						
CN Neighborhood Commercial		°	°	°	°	°
CC Community Commercial		°	°	°	°	°
CG General Commercial		°	°	°	°	°
CR Recreation Commercial		°	°	°	°	°
CT Transportation Commercial		°	°	°	°	°
CH Highway-Related Commercial		°	°	°	°	°
INDUSTRIAL						
IL Light Industrial		°	°	°	°	°
IH Heavy Industrial		°	°	°	°	°
OTHER						
EFU Exclusive Farm Use		°	°	°	°	°
F Forestry		°	°	°	°	°
FR Forestry/Range		°	°	°	°	°
NR Non-Resource		°	°	°	°	°
GR Geothermal Resource		°	°	°	°	°
PUD Planned Unit Development		°	°	°	°	°

¹ Mobile homes during construction shall be permitted upon approval of a Temporary Use Permit in rural areas only; they are not permitted in urban areas.

ARTICLE 43 - VARIANCES

SECTION 43.001 - PURPOSE

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

SECTION 43.002 - REVIEW PROCEDURE

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

SECTION 43.003 - REVIEW CRITERIA

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

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

SECTION 43.004 - PROCESSING

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

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

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

SECTION 43.005 - PLOT PLAN REQUIREMENTS

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

SECTION 43.006 - ADMINISTRATIVE VARIANCES

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

ARTICLE 44 - CONDITIONAL USE PERMIT

SECTION 44.001 - PURPOSE

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

SECTION 44.002 - REVIEW PROCEDURE

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

SECTION 44.003 - REVIEW CRITERIA

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

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

SECTION 44.004 - PROCESSING

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

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

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

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

SECTION 44.005 - PLOT PLAN REQUIREMENTS

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

SECTION 44.006 - TIME LIMIT ON CONDITIONAL USE PERMIT APPROVAL

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

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

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

ARTICLE 45 - MAJOR AND MINOR LAND PARTITION

SECTION 45.001 - PURPOSE

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

SECTION 45.002 - REVIEW PROCEDURE

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

SECTION 45.003 - REVIEW CRITERIA

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

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

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

SECTION 45.004 - PROCESSING

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

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

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

order to make the findings required by the Land Development Code. A maximum of four (4) such extensions may be granted by the Planning Director upon a written finding that the facts upon which the approval of the tentative plan was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after a finding that no other development approval would be affected. In no case shall the cumulative length of such extensions exceed two (2) years. If a final map is not submitted within the time limit, as it may be extended, the partitioner shall file a new application for review of the tentative plan.

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

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

- d. Termination of the agreement may be made upon the completion of proceedings pursuant to applicable statutes for the formation of an assessment district providing for the construction of the improvements specified in the agreement.
 5. The partitioner shall file with the agreement, to assure his full and faithful performance thereof, one of the following subject to the approval by the County:
 - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon;
 - b. Cash or certified check;
 - c. Time deposit certificate payable to Klamath County; or
 - d. Savings account assignment to Klamath County;
 - e. An irrevocable letter of credit in favor of Klamath County from a financial institution authorized to do business in the State of Oregon in a form acceptable to the County.
 6. Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expense;
 7. In the event the partitioner shall fail to carry out all provisions of the agreement, the County shall:
 - a. Call on the surety company for full and faithful performance; or
 - b. Use the deposit or letter of credit to complete the work; and
 8. If the amount of the bond, deposit or letter of credit exceeds the cost of completing the work, the County shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the partitioner shall be liable for the difference and, upon demand, pay such liability to the County.
- L. Approval of County Surveyor - If a survey has been conducted, upon receipt of the final map, the Planning Director shall transmit the final map and other related supplementary data to the County Surveyor who shall review the final map and information to determine that there has

been full compliance with all applicable statutes and provisions and that the map is technically correct and within the allowable limits of error according to statutes. The County Surveyor may, if he determines it is necessary to his review, make field checks to verify that the map is sufficiently correct on the ground. When he finds the final map to be in full conformance, he shall so certify on the face of the map by affixing his signature.

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

SECTION 45.005 - SUBMITTAL REQUIREMENTS

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

A. Tentative Map and Supplementary Materials

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

- m. Approximate street grades and direction of surface water drainage flow on existing or proposed streets.
 - n. The names, addresses and phone numbers of the owners, contract purchasers, partitioners of the subject property and the person preparing the tentative plan.
 - o. A vicinity map shall be required.
 - p. Comprehensive Plan designation(s) and land use zones applicable to the subject property.
 - q. Description of and location of all proposed improvements.
 - r. Boundary lines of adjacent properties and the names of owners of record.
 - s. The property location (subdivision, section, township and range).
 - t. If the partition has been surveyed, the surveyor's name, address and phone number.
 - u. Partition maps within big game winter ranges must indicate location of homesites on contiguous properties and access way to those properties.
3. Accompanying Statement
- a. A list of all property owners located within two hundred fifty (250) feet, including street rights-of-way and bodies of water, of the boundary of the property proposed for partitioning, if the information is not shown on the map.
4. The partition map must indicate:
- a. Potential pre-platted lots no greater than one and one-half (1 1/2) times the minimum lot size allowed by the zone.
 - b. Legal access to pre-platted lots.
 - c. Easements for vehicular and utility access if determined necessary by the Planning Director after consultation with appropriate agencies and utilities.
 - d. Setbacks conforming to setback requirements of two pre-platted lots rather than the partitioned parcels.

B. Final Map

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

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

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

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

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

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

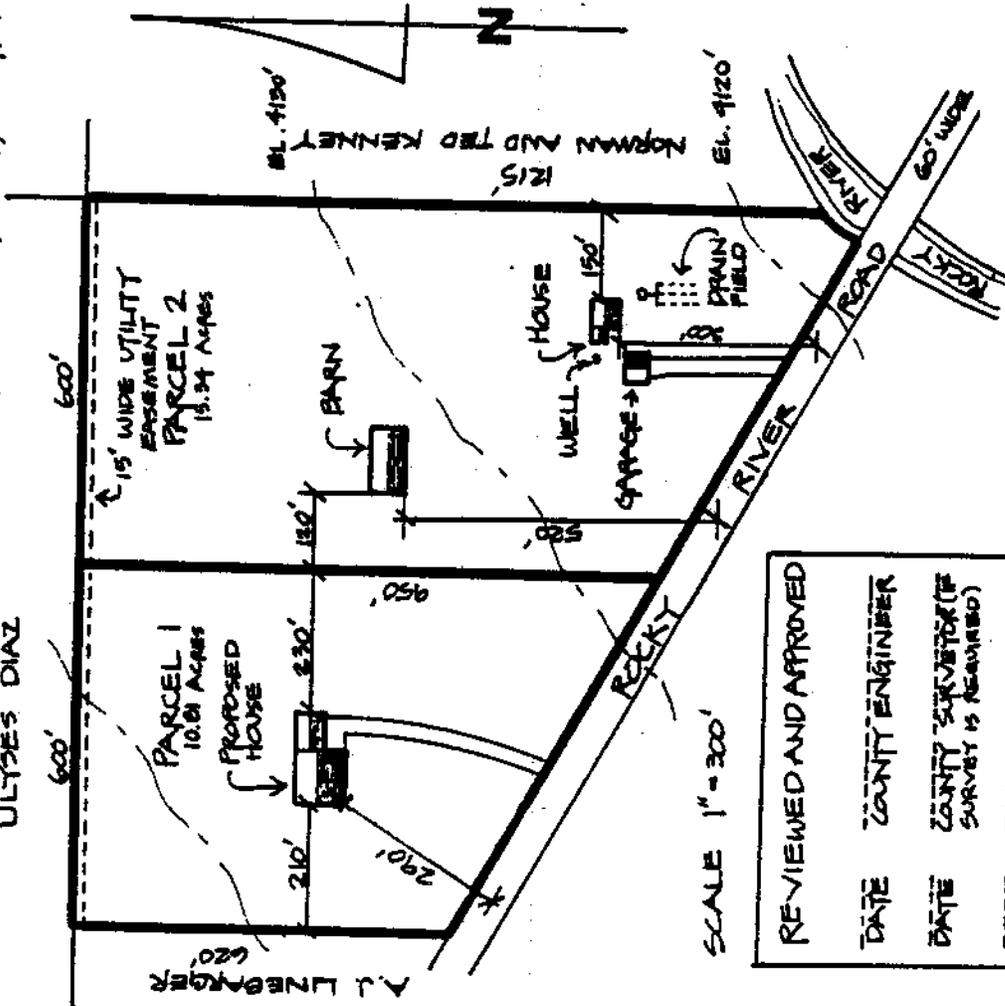
- g. The partition number.
- h. Street names adjacent to the partition.
- i. In big game winter ranges, location of proposed homesites to be indicated if development is to be clustered for a reduced minimum lot size.

MINOR PARTITION 81-645

FOR L.G. BOTTS

LOCATED IN THE NE 1/4, NE 1/4, SECTION 4, TOWNSHIP 3T, RANGE 8 E.W.M.

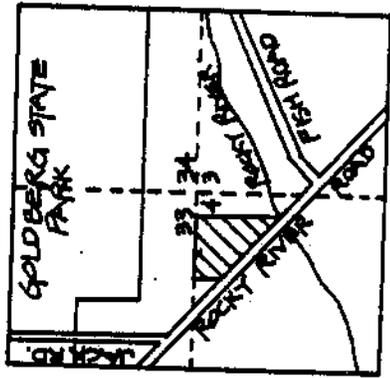
ULYES DIAZ



SCALE 1"=300'

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

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



VICINITY MAP (NO SCALE)

OWNER/APPLICANT — L.G. BOTTS
 RT. 12, BOX 775-E
 KLAMATH FALLS, OR 97601
 888-1111

ZONE DESIGNATION — R
 COMPREHENSIVE PLAN — RURAL DESIGNATION
 EXISTING USE — RESIDENTIAL
 PROPOSED USE — RESIDENTIAL
 TOTAL AREA — 26.15 ACRES
 WATER SUPPLY — INDIVIDUAL WELLS
 SEWAGE DISPOSAL — INDIVIDUAL SEPTIC SYSTEMS
 STORM DRAINAGE — SURFACE RUNOFF
 DATE OF PREPARATION: OCTOBER 15, 1980

ARTICLE 46 - SUBDIVISION OF LAND

SECTION 46.001 - PURPOSE

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

SECTION 46.002 - REVIEW PROCEDURE

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

SECTION 46.003 - REVIEW CRITERIA

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

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

SECTION 46.004 - PROCESSING

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

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

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

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

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

- e. An irrevocable letter of credit in favor of Klamath County from a financial institution authorized to do business in the State of Oregon in a form acceptable to the County.
6. Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses;
7. In the event the subdivider shall fail to carry out all provisions of the agreement, the County shall:
 - a. Call on the surety company for full and faithful performance; or
 - b. Use the deposit or certified check to complete the work; and
8. If the amount of the bond or deposit or letter of credit exceeds the cost of completing the work, the County shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the subdivider shall be liable for the difference and upon demand pay such liability to the County.
- O. Approval of County Surveyor - Upon receipt of the final plat, the Planning Director shall transmit the final plat and other related supplementary data to the County Surveyor who shall review the final plat and information to determine that there has been full compliance with all applicable statutes and provisions and that the plat is technically correct and within the allowable limits of error according to statutes. The County Surveyor shall make field checks to verify that the plat is sufficiently correct on the ground. When he finds the final plat to be in full conformance, he shall so certify on the face of the plat by affixing his signature. The statutory fee for the above approval shall be submitted to the County Surveyor by the subdivider before this certification is made.
- P. Approval of County Planning Director - Upon submission of the final plat and supplementary information to the County Planning Department, the Planning Director shall thoroughly review the final plat. If the Planning Director determines that the final plat is in conformance with the approved preliminary plat and planning requirements, he shall sign the final plat. If the final plat is not in conformance, it shall be referred to the Planning Commission at their

next regular meeting for consideration, who shall then approve or disapprove the plat. An appeal from the actions of the Planning Commission may be filed with the Board of Commissioners who shall make a final determination. Upon the plat being approved by the Board of Commissioners or being made to conform to the original conditions of approval, the Planning Director shall affix his signature to the plat.

- Q. Approval of the County Board - After review and approval of the final plat by the Planning Director, the subdivider shall submit the same to the County Board for approval. If all requirements are met and all approvals obtained, the County Board shall accept the full plat for signature and recordation.
- R. Filing of Final Plat - After obtaining all required approvals and signatures, the subdivider shall file the plat and the exact copy with the County Clerk. Approval of the final plat shall be null and void if the plat and required tracing is not filed within thirty (30) days after the date of the County Board's required approving signature. Upon the filing of the plat, the subdivider shall furnish one (1) print of the final plat to each of the following: County Assessor, County Surveyor, County Engineer, and the County Planning Director.
- S. Filing with the State - Either before or after recording the final plat, the subdivider and/or his surveyor shall file a report with the Real Estate Division, in accordance with the provisions of the Oregon Revised Statutes, Chapter 92 et seq, as revised.

SECTION 46.005 - SUBMITTAL REQUIREMENTS

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

A. Preliminary Plat and Supplemental Materials

- 1. Preparation and Submission. The subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as may be required, to indicate the general subdivision plan and objectives of the development. Thirty (30) copies of the preliminary plat shall be submitted to the County Planning Department.
- 2. Information to be Required. The following information shall be shown on the preliminary plat:
 - a. The preliminary plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet. The scale may be increased or decreased, but in all cases shall be in multiples of ten (10);

- b. A tract number or numbers shall be obtained from the County Surveyor which number, if not used, within two (2) years from the date issued, shall become null and void. In addition to the number, a name may be used, however, such name shall not duplicate or resemble the name of any other subdivision in Klamath County. The County Surveyor shall maintain a permanent record of all tract numbers.

When a number or numbers have been assigned by the surveyor for the subdivision of a particular parcel or contiguous parcels of land, the subdivider shall place same upon each preliminary plat of the subdivision and neither the number or numbers, nor the area of the parcel of land for which the number or numbers was issued shall thereafter be changed or altered in any manner upon the preliminary plat of the subdivision unless and until a new number or numbers have been assigned by the County Surveyor.

- c. Date, northpoint, scale of drawing and sufficient description (vicinity map) to define the location and boundaries of the proposed tract;
 - d. Location of the subdivision by section, township and range;
 - e. Names, addresses and phone numbers of all owners within the subdivision, the subdivider, if other than the owner and the registered surveyor; and
 - f. Appropriate identification clearly stating the map is a preliminary plat.
3. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:
 - a. The location, width, and names of all existing or platted streets, ways or other public ways within or adjacent to the proposed subdivision, easements, railroad rights-of-way, and other important features, such as section lines and corner and city boundary lines;
 - b. For subdivisions within urban areas, contour lines shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the County Engineer:
 - i. Two (2) foot contour intervals for ground slopes between five percent (5%) and ten percent (10%), and

- ii. Five (5) foot contour intervals for ground slopes exceeding ten percent (10%).
 - c. For rural areas, contour lines shall be at intervals necessary to properly indicate the ground contour and to design the street pattern and lot layout, and shall be related to some established bench mark or other datum as approved by the County Engineer;
 - d. The location and direction of all water courses including a declination of the high water mark;
 - e. Natural features, such as rock outcroppings, marsh lands, wooded areas, preservable trees; and
 - f. Existing uses of the property, including the location of all existing structures to remain on the property after platting.
4. Proposed Plan of Development. The following information shall be included on the preliminary plat:
- a. All streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projected streets.
 - b. The location and width of all existing and proposed easements, including the purpose of such easement;
 - c. Lot layout showing approximate dimensions, minimum lot size, and proposed lot and block numbers; and
 - d. All land proposed to be reserved by the subdivider for public purposes, showing the location, size, and proposed uses.
5. Accompanying Statement. A statement containing the following information shall accompany the preliminary plat and if the information cannot be shown practically on the preliminary plat, it shall be submitted in a separate statement with the preliminary plat:
- a. Proposed uses of the property and present zoning, if applicable.
 - b. Proposed and/or existing deed restrictions, if any;
 - c. Statement of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider wishes to use;

- d. Statement of what provisions are proposed for water supply, sewage disposal and drainage;
 - e. The irrigation district involved and provisions for delivering irrigation water to the lots in the subdivisions;
 - f. Proposed building setback lines.
6. Drainage Plan. A drainage plan, prepared in accordance with Article 72, shall accompany all preliminary plats in the urban area.

B. Final Plat and Supplementary Materials

1. Drafting the Plat. The final plat shall be drawn in black india ink on good quality, white, cold pressed, double-mounted drawing paper 18" x 24" with muslin extending three (3) inches at the left end for binding purposes. No part of the drawing shall be nearer to the edge of the sheet than one (1) inch. An exact duplicate of the final plat, either drawn in black india ink or photographically reproduced on good quality tracing medium, suitable for making prints as defined in State Statutes, shall be filed in the office of the County Surveyor after all approvals have been obtained.
2. Final Plat Requirements. The final plat shall include the following information:
 - a. The number, and if applicable, the name of the subdivision, date, scale, northpoint, legend and controlling topography such as creeks, highways, and railroads;
 - b. Written legal description of the plat boundaries;
 - c. Names of all the owners within the subdivision and the registered land surveyor that prepared the plat;
 - d. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - i. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - ii. Adjoining corners of all adjoining subdivisions;
 - iii. Township, range, section and donation land claim lines within or adjacent to the plat;

- iv. Whenever the county has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line shall be shown and monuments found or reset; and
- v. All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of these regulations.
- e. The length of all arcs and radii of curves, points of curvature, lengths and bearings of tangents and/or chords. All adjusted distances shall be shown to the nearest one-hundredth of a foot. All adjusted bearings and angles shall be shown to the nearest one second and the basis of the bearing shown. Error of closure of the field work shall be within the limit of one foot in five thousand. Field survey shall be adjusted out of recorded plat distances and bearings so dimensions shown on lot, block and tract boundary will produce as near perfect mathematical closure as practical. Lots containing one (1) acre or more shall show total acreage to the nearest hundredth;
- f. The location, names and widths of all streets, existing or being created. For streets on a curvature, curve data shall be based on the center-line and shall indicate thereon the radius, the central angle, and the arc length which data may be shown in table form;
- g. The width and length of all easements existing or being created. For existing easements not definitely located of record, a statement of the easement must be included. New easements being dedicated by the plat shall be properly referenced in the owner's certificate of dedication;
- h. Blocks numbered consecutively throughout the plat and lots throughout each block to be numbered likewise. The numbers shall be solid, of sufficient size and boldness to stand out, and so placed as not to obliterate any figures. Block numbers in an addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision;
- i. Land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case to be distinguished from lands intended for sale;

- j. Minimum building setback lines;
- k. The following certificates, which may be combined where appropriate, exact as to form and content to those presented in Exhibits I through XIII of these standards:
 - i. A certificate signed and properly acknowledged by all parties having any record title interest in the land to be subdivided, consenting to the preparation and recordation of land shown on the final map and intended for public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their visitors, tenants and servants;
 - ii. A certificate signed and properly acknowledged by the Registered Land Surveyor responsible for the survey and preparation of the final plat. The signature of such registered surveyor shall be accompanied by his seal;
 - iii. A certificate signed by the County Engineer certifying that the subdivider has complied with one of the following alternatives:
 - (1) All improvements have been installed in accordance with the requirements of this Ordinance and with the action of the Planning Commission giving conditional approval of the preliminary plat; or
 - (2) An agreement has been executed as provided in Section 47.004, Subsection "N", of the Land Development Code.
 - iv. A certificate signed by the County Assessor certifying that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the tax roll which became a lien during this calendar year have been paid; and
 - v. A certificate, on the required tracing of the final plat, signed by the County Clerk and the Registered Surveyor certifying that the tracing is a true and exact copy of the final plat; and
 - vi. A certification by the subdivider that central water supply and sanitary sewer systems will not be provided; or if such systems are to be provided, a certification by the authorized representative of the agency or authority which will provide these services.

3. Space for signatures of the following: County Surveyor, County Treasurer, Planning Director, County Clerk, Chairman of the County Board and the County Commissioners.
4. Supplemental Information with Final Plat. The following data shall accompany the final plat:
 - a. A preliminary title report or subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties having any record title interest in the premises and what interest they have;
 - b. The computation sheets showing the bearings, distances, latitudes, departures, and error of closure, if any, and the curve data of each lot in the subdivision;
 - c. Traverse data, including the coordinates of the boundary of the subdivision and ties to section corners, existing monuments, proposed monuments, adjacent subdivision and state highway stationing if all monumentation data is available in the office of the local State Highway Resident Engineer, and the error of closure, if any, shall be shown.
 - d. If applicable, a good and sufficient bargain and sale deed, executed to Klamath County, free from all restrictions, outstanding liens and encumbrances, conveying property other than streets, alleys or walkways for public use;
 - e. A copy of any deed restrictions applicable to the subdivision;
 - f. For urban and rural area plats, plans, profiles and specifications, prepared by the engineer showing proposed construction design and standards for all improvements.
 - g. All such design work shall be submitted to and approved by the County Engineer before construction begins, changes in plans must be reviewed with the design engineer and approved by the County Engineer, and final inspection and approval of the completed improvements shall be made by the County Engineer or his authorized representative before the improvements are accepted and performance assurance released.

EXHIBIT I (Surveyor's Certificate)

SURVEYOR'S CERTIFICATE

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

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

(Specific Legal Description)

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

Surveyor

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

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT II (Owner's Certificate of Dedication)

DEDICATION

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

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

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

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

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

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

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT III (Corporate Owner's Certificate of Dedication)

DEDICATION

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

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

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

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

President

Secretary

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

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

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

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT IV (Required Approvals)

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

Planning Director

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

BOARD OF COUNTY COMMISSIONERS

Chairman of the Board

County Commissioner

County Commissioner

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

County Surveyor

EXHIBIT VI (County Assessor's Certificate)

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

_____ Date

_____ Assessor Deputy

EXHIBIT VII (County Treasurer's Certificate)

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

County Treasurer _____

By _____ Deputy

EXHIBIT VIII (Required Filing Statement)

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

County Clerk _____

_____ Deputy

EXHIBIT IX (Required Certification on the Tracing)

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

Klamath County Clerk (signature)

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

Registered Land Surveyor (signature)

EXHIBIT X (Sewage Disposal System Certificate)

SEWAGE DISPOSAL SYSTEM CERTIFICATE

I, (name of subdivider) , hereby certify 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 Public Utility Commissioner of Oregon) , 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 Public Utility Commissioner of Oregon), hereby certify that water will be available to the lot line of each and every lot depicted on the plat.

Signature

Title

Date

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

SECTION 47.001 - PURPOSE

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

SECTION 47.002 - REVIEW PROCEDURE

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

SECTION 47.003 - REVIEW CRITERIA

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

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

SECTION 47.004 - PROCESSING

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

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

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

SECTION 47.005 - PLOT PLAN REQUIREMENTS

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

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

SECTION 48.001 - PURPOSE

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

SECTION 48.002 - REVIEW PROCEDURE

Requests for a Change of Comprehensive Plan Designation shall be subject to the Hearings Officer Review Procedure. A Change of Comprehensive Plan Designation in conjunction with a subdivision or involving resource zones shall be subject to the Planning Commission Review Procedure.

SECTION 48.003 - REVIEW CRITERIA

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

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

SECTION 48.004 - PROCESSING

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

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

- B. Initiation by the County Planning Director - The Planning Director may initiate proceedings for a change of Comprehensive Plan Designation limited to changes required to maintain statewide goal compliance and to correct any errors in the official Comprehensive Plan Designation maps.
- C. Public Hearing by Hearings Officer or Planning Commission - Upon receipt of an application for a Change of Comprehensive Plan Designation, the Planning Director shall set a date for a public hearing, as provided by Chapter 3, Article 32.
- D. Notice - Notice of a hearing on a proposed Change of Comprehensive Plan Designation shall be provided as follows:
 - 1. When the proposed change would modify or change the land use designation of an individual property or a relatively small number of specific properties, or would otherwise substantially and directly affect their potential land use and development, individual notice within 250 feet of the proposed change shall be made in accordance with Chapter 3, Article 32 of this Code.
- E. Review by Hearings Officer or Planning Commission - The reviewing authority shall review the proposed Change of Comprehensive Plan Designation and render its decision in accordance with the procedure established in Chapter 2.
- F. Appeal - The decision of the Hearings Officer or Planning Commission shall be final unless an appeal in writing is filed as provided in Chapter 3, Article 33 of this Code.
- G. Limitation - No request for a Comprehensive Plan Change shall be considered by the Planning Commission or Hearings Officer on the same property or substantially the same property within a one (1) year period immediately following a previous denial by the review authority of such request except the reviewing authority may consent to a new hearing if in the opinion of the review authority new evidence or a change of circumstances warrant it.

SECTION 48.005 - PLOT PLAN REQUIREMENTS

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

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

SECTION 49.001 - PURPOSE

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

SECTION 49.002 - REVIEW PROCEDURE

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

SECTION 49.003 - REVIEW CRITERIA

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

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

SECTION 49.004 - PROCESSING

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

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

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

ARTICLE 49A - AMENDMENT OF THE COMPREHENSIVE PLAN DOCUMENT

SECTION 49.001A - PURPOSE

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

SECTION 49.002A - REVIEW PROCEDURE

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

SECTION 49.003A - REVIEW CRITERIA

Major Revisions:

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

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

SECTION 49.004A - PROCESSING

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

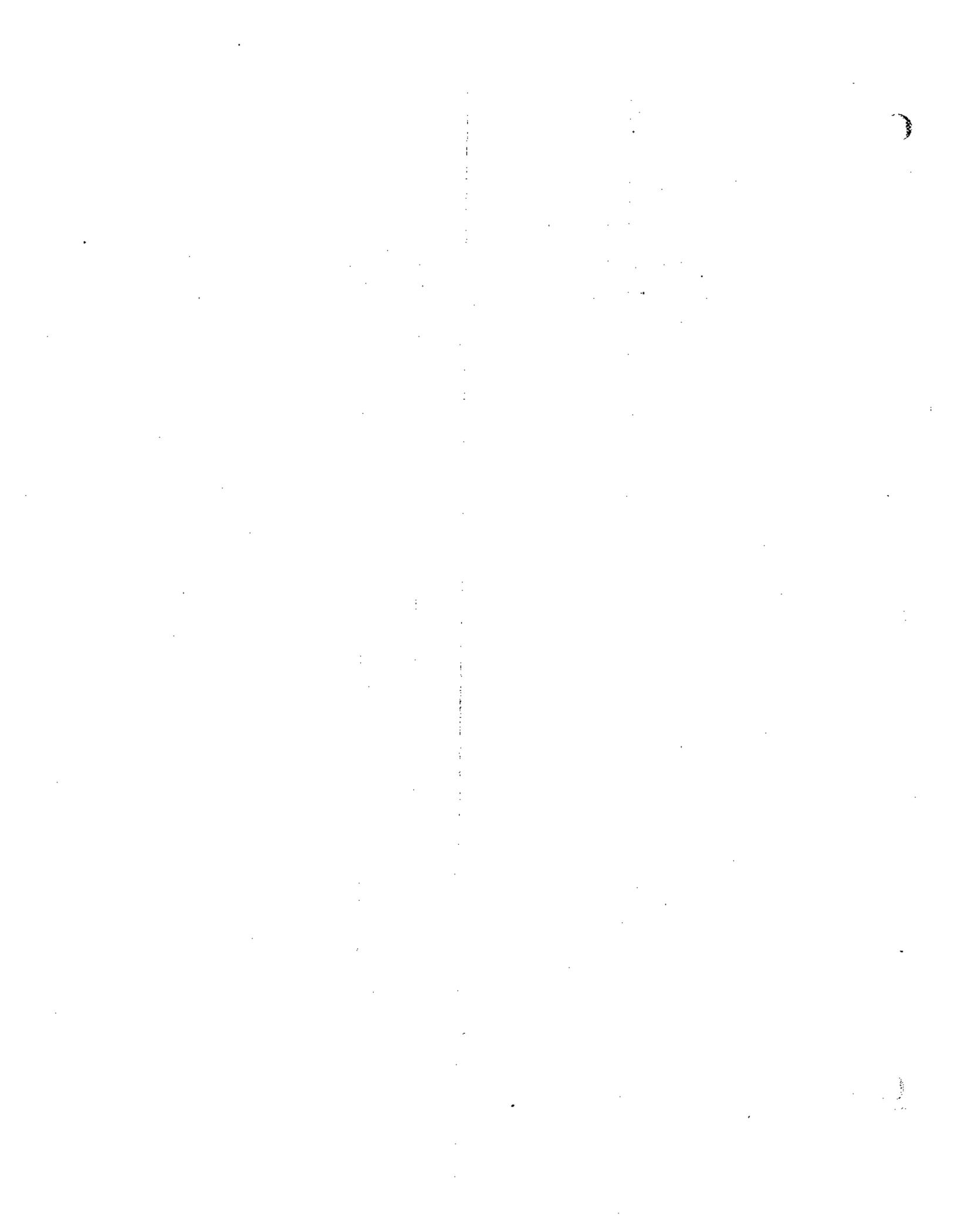
- A. Initiation by the Planning Director, Planning Commission, or Board of Commissioners - The Planning Director, Planning Commission or Board of Commissioners may initiate proceedings to amend the Comprehensive Plan by majority vote, providing that if said Director or Board initiates the amendment,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

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

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

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

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



CHAPTER 5
LAND USE ZONES
ARTICLE 50 - BASIC PROVISIONS

SECTION 50.001 - PURPOSE

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

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

ARTICLE 51 - DESIGNATION OF BASIC ZONES

SECTION 51.001 - LIST OF BASIC ZONES

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

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

SECTION 51.002 - RURAL COMMUNITY RESIDENTIAL (RCR)

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

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

SECTION 51.003 - RURAL (R-5)

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

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

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

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.004 - RURAL (R-1)

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

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

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

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.005 - SUBURBAN RESIDENTIAL (RS)

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

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

SECTION 51.006 - LOW DENSITY RESIDENTIAL (RL)

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

SECTION 51.007 - MEDIUM DENSITY RESIDENTIAL (RM)

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

SECTION 51.008 - HIGH DENSITY RESIDENTIAL (RH)

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

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

SECTION 51.009 - NEIGHBORHOOD COMMERCIAL (CN)

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

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

SECTION 51.010 - COMMUNITY COMMERCIAL (CC)

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.011 - GENERAL COMMERCIAL (CG)

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.012 - RECREATIONAL COMMERCIAL (CR)

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

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

SECTION 51.013 - TRANSPORTATION COMMERCIAL (CT)

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

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

SECTION 51.014 - HIGHWAY COMMERCIAL (CH)

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.015 - LIGHT INDUSTRIAL

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.016 - HEAVY INDUSTRIAL

- A. PURPOSE: The purpose of this zone is to provide for areas where large areas of land are needed for the fabrication, processing, and movement of raw materials and where the potential impacts of noise, odor, vibration, glare, and/or heat are least likely to affect adjacent land uses. The Heavy Industrial zone is intended to implement the Comprehensive Plan designation of a heavy industrial land use.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Ambulance Services
 2. Essential Services
 3. Large Animal Hospital
 4. Small Animal Hospital
 5. Automobile Cleaning
 6. Fleet Storage
 7. Parking
 8. Automotive and Equipment - Heavy Repairs
 9. Automotive and Equipment - Light Repairs
 10. Farm Equipment, Sales/Rentals
 11. Heavy Equipment, Sales/Rentals
 12. Light Equipment, Sales/Rentals
 13. Nonoperating Vehicle Storage
 14. Building Maintenance
 15. Business Equipment Sales
 16. Business Support
 17. Construction Sales
 18. Gasoline Sales
 19. Custom Manufacturing
 20. General Industrial
 21. Wholesaling, storage and distribution (light and heavy)
 22. Packing and Storage
 23. Automobile Wrecking Yard
 24. Permitted uses in Light Industrial
 25. Mineral Exploration and Extraction
 26. Heavy Industrial
 27. Scrap Operations
- C. CONDITIONAL USES:
1. Civic: Intensive Impact
 2. Explosive Storage
 3. Animal Waste Processing
 4. Residential Uses Accessory to Industrial Uses
 5. Commercial Uses Accessory to Industrial Uses
- D. PROPERTY DEVELOPMENT STANDARDS:
1. No minimum lot size.
 2. Lot Size and Shape - See Chapter 6, Article 61
 3. Building Setbacks and Yards - See Chapter 6, Article 62
 4. Building Heights - See Chapter 6, Article 63

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

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

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

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

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

1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator.
2. Worker Residential
3. Horticulture
4. Tree Crops
5. Row and field crops
6. Animal raising - small animals, large animals, and specialty.
7. Forestry - not including recreation or processing of forest products.
8. Essential services

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

1. Animal Sales and Service - Auctioning
2. Animal Sales and Service - Stockyard
3. Community Education
4. Community Recreation
5. Religious Assembly
6. Extensive impact services limited to the following: commercial power generating facilities, utility substations and transmission lines, solid waste disposal sites, personal use airports, mineral exploration and extraction, public and private parks, playgrounds, hunting and fishing preserves and campgrounds, golf courses, and fire stations.
7. Horse Keeping
8. Home Occupations

9. Primary processing of forest products - portable or temporary facilities only, subject to annual review and renewal.
10. Agriculture Supplies and Services
11. Veterinary Service - large animal
12. Automotive and equipment repairs, heavy equipment, limited to agricultural machinery and equipment.
13. Automotive and Equipment Sales/Rentals - Farm Equipment
14. Wholesaling, Storage and Distribution - Agricultural Products
15. Packing and Processing of Agricultural Products
16. Animal Waste Processing

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

1. is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243,
2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,
3. does not materially alter the stability of the overall land use pattern of the area,
4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and
5. complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

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

E. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - No set minimum is established. All partitions in the Exclusive Farm Use Cropland zone shall be subject to review and approval by the Klamath County Board of Commissioners. Partitions shall only be approved upon a finding that they meet the intent of the agricultural land use policy adopted by the Legislative Assembly in ORS 215.243.

- a. All proposed partitionings of land for agricultural purposes shall meet the following criteria:
- 1) That the parcel is typical of the size of the surrounding farm units or may be reduced below the prevailing farm parcel size in the area upon findings that the parcel:
 - a) will be appropriate for the continuation of existing commercial agricultural enterprises in the area;
 - b) will contribute in a substantial way to the existing agricultural economy; and
 - c) will help maintain agricultural processors and establish farm markets;Or the following condition exists:
 - d) The division is necessary in order to establish labor-intensive agricultural activity meeting the definition of Farm Use in Article 11.
 - 2) That the parcel is of sufficient size to support the existing or potential commercial production of food or fiber using accepted farm practices as that term is defined in this Code.
 - 3) In determining whether the division is consistent with (1) and (2) above, the reviewing authority shall make findings addressing the following:
 - (a) soil types in the area
 - (b) types of crops grown in the area and typical yields
 - (c) potential markets
 - (d) other relevant information included in the agricultural element of the County's Comprehensive Plan
 - (e) the average size of parcels required for the proposed farm use and in the case of agronomic uses the average size required to produce commercial quantities of typical crops or livestock grown in the area under consideration
 - (f) that the parcel qualifies for assessment at true cash value for farm use under ORS 308.372.
- b. All proposed partitionings of land for one of the non-farm uses permitted under subsections C and D of this section shall meet the following criteria:

- 1) The parcel shall be designed to use the least amount of agricultural land consistent with the needs of the proposed use. Wherever possible, land unsuited for crops or livestock shall be used.
 - 2) The parcel and the access to it shall be designed so as not to interfere with accepted farm practices on surrounding land.
2. Building Setbacks and Yards - See Chapter 6, Article 62
 3. Building Heights - See Chapter 6, Article 63
 4. Distance Between Buildings - See Chapter 6, Article 62
 5. Fences, Hedges and Walls - See Chapter 6, Article 64
 6. Signs - See Chapter 6, Article 66
 7. Access - See Chapter 7, Article 71
 8. Parking - See Chapter 6, Article 68
 9. Landscaping - See Chapter 6, Article 65.

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

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

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

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

1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator.
2. Worker Residential
3. Horticulture
4. Tree Crops
5. Row and field crops
6. Animal raising - small animals, large animals, and specialty.
7. Forestry - not including recreation or processing of forest products.
8. Essential services

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

1. Animal Sales and Service - Auctioning
2. Animal Sales and Service - Stockyard
3. Community Education
4. Community Recreation
5. Religious Assembly
6. Extensive impact services limited to the following: commercial power generating facilities, utility substations and transmission lines, solid waste disposal sites, personal use airports, mineral exploration and extraction, public and private parks, playgrounds, hunting and fishing preserves and campgrounds, golf courses, and fire stations.

7. Horse Keeping
8. Home Occupations
9. Primary processing of forest products - portable or temporary facilities only, subject to annual review and renewal.
10. Agriculture Supplies and Services
11. Veterinary Service - large animal
12. Automotive and equipment repairs, heavy equipment, limited to agricultural machinery and equipment.
13. Automotive and Equipment Sales/Rentals - Farm Equipment
14. Wholesaling, Storage and Distribution - Agricultural Products
15. Packing and Processing of Agricultural Products
16. Animal Waste Processing

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

1. is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243,
2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,
3. does not materially alter the stability of the overall land use pattern of the area,
4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and
5. complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

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

E. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - 80 acres - All partitions in the Exclusive Farm Use zone shall be subject to review and approval by the Klamath County Board of Commissioners. Partitions shall only be approved upon a finding that they meet the intent of the agricultural land use policy adopted by the Legislative Assembly in ORS 215.243.

- a. All proposed partitionings of land for agricultural purposes shall meet the following criteria:
- 1) That the parcel is typical of the farm unit in the surrounding area.
 - 2) That the parcel is of sufficient size to support the existing or potential commercial production of food or fiber using accepted farm practices as that term is defined in this Code.
 - 3) In determining whether the division is consistent with (1) and (2) above, the reviewing authority shall make findings addressing the following:
 - (a) soil types in the area
 - (b) types of crops grown in the area and typical yields
 - (c) potential markets
 - (d) other relevant information included in the agricultural element of the County's Comprehensive Plan
 - (e) the average size of parcels required for the proposed farm use and in the case of agronomic uses the average size required to produce commercial quantities of typical crops or livestock grown in the area under consideration
 - (f) that the parcel qualifies for assessment at true cash value for farm use under ORS 308.372.
- b. The minimum lot size does not apply to non-farm uses. All proposed partitionings of land for one of the non-farm uses permitted under subsections C and D of this section shall meet the following criteria:
- 1) The parcel shall be designed to use the least amount of agricultural land consistent with the needs of the proposed use. Wherever possible, land unsuited for crops or livestock shall be used.
 - 2) The parcel and the access to it shall be designed so as not to interfere with accepted farm practices on surrounding land.

2. Building Setbacks and Yards - See Chapter 6, Article 62
3. Building Heights - See Chapter 6, Article 63
4. Distance Between Buildings - See Chapter 6, Article 62
5. Fences, Hedges and Walls - See Chapter 6, Article 64

6. Signs - See Chapter 6, Article 66
7. Access - See Chapter 7, Article 71
8. Parking - See Chapter 6, Article 68
9. Landscaping - See Chapter 6, Article 65.

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

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

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

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

1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator.
2. Worker Residential
3. Horticulture
4. Tree Crops
5. Row and field crops
6. Animal raising - small animals, large animals, and specialty.
7. Forestry - not including recreation or processing of forest products.
8. Essential services

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

1. Animal Sales and Service - Auctioning
2. Animal Sales and Service - Stockyard
3. Community Education
4. Community Recreation
5. Religious Assembly
6. Extensive impact services limited to the following: commercial power generating facilities, utility substations and transmission lines, solid waste disposal sites, personal use airports, mineral exploration and extraction, public and private parks, playgrounds, hunting and fishing preserves and campgrounds, golf courses, and fire stations.

7. Horse Keeping
8. Home Occupations
9. Primary processing of forest products - portable or temporary facilities only, subject to annual review and renewal.
10. Agriculture Supplies and Services
11. Veterinary Service - large animal
12. Automotive and equipment repairs, heavy equipment, limited to agricultural machinery and equipment.
13. Automotive and Equipment Sales/Rentals - Farm Equipment
14. Wholesaling, Storage and Distribution - Agricultural Products
15. Packing and Processing of Agricultural Products
16. Animal Waste Processing

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

1. is compatible with farm use as defined in this Code and consistent with the agricultural land use policy adopted by the legislative assembly in ORS 215.243,
2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use,
3. does not materially alter the stability of the overall land use pattern of the area,
4. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and
5. complies with such other conditions as the Board of County Commissioners or its designate considers necessary.

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

E. PROPERTY DEVELOPMENT STANDARDS:

1. Minimum Lot Area - 160 acre lot size. All partitions in the Exclusive Farm Use Grazing zone shall be subject to review and approval by the Klamath County Board of Commissioners. Partitions shall only be approved upon a finding that they meet the intent of the agricultural land use policy adopted by the Legislative Assembly in ORS 215.243.

- a. All proposed partitionings of land for agricultural purposes shall meet the following criteria:
 - 1) That the parcel is typical of the farm unit in the surrounding area.
 - 2) That the parcel is of sufficient size to support the existing or potential commercial production of food or fiber using accepted farm practices as that term is defined in this Code.
 - 3) In determining whether the division is consistent with (1) and (2) above, the reviewing authority shall make findings addressing the following:
 - (a) soil types in the area
 - (b) types of crops grown in the area and typical yields
 - (c) potential markets
 - (d) other relevant information included in the agricultural element of the County's Comprehensive Plan
 - (e) the average size of parcels required for the proposed farm use and in the case of agronomic uses the average size required to produce commercial quantities of typical crops or livestock grown in the area under consideration
 - (f) that the parcel qualifies for assessment at true cash value for farm use under ORS 308.372.
 - b. The minimum lot size does not apply to non-farm uses. All proposed partitionings of land for one of the non-farm uses permitted under subsections C and D of this section shall meet the following criteria:
 - 1) The parcel shall be designed to use the least amount of agricultural land consistent with the needs of the proposed use. Wherever possible, land unsuited for crops or livestock shall be used.
 - 2) The parcel and the access to it shall be designed so as not to interfere with accepted farm practices on surrounding land.
2. Building Setbacks and Yards - See Chapter 6, Article 62
 3. Building Heights - See Chapter 6, Article 63
 4. Distance Between Buildings - See Chapter 6, Article 62
 5. Fences, Hedges and Walls - See Chapter 6, Article 64

6. Signs - See Chapter 6, Article 66
7. Access - See Chapter 7, Article 71
8. Parking - See Chapter 6, Article 68
9. Landscaping - See Chapter 6, Article 65.

SECTION 51.020 - FORESTRY (F)

- A. PURPOSE: The purpose of this zone is to preserve and maintain forest lands with I-VI Timber Site Productivity for timber operations, other permitted forest uses as defined by Article II of the Code and Goal 4, along with a limited range of compatible open space, civic, commercial and industrial uses.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Forestry
 2. Fish and Wildlife Management
 3. Watershed Protection
 4. Large Animal Raising - grazing
 5. Mineral extraction in conjunction with forestry road construction and maintenance.
 6. Participant sports and recreation, limited to hunting, fishing, riding or hiking trails, camping and other uses not involving permanent structures.
 7. Residential - single-family, mobile home and worker residential uses as permitted for the owner, family members or employees when accessory and necessary to permitted uses.
 8. Airstrips and heliports when needed for timber management and forest firefighting.
 9. Public research areas devoted to forestry, wildlife, soil and water conservation, and range management.
 10. Essential services
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 and may be approved subject to findings that they are compatible with and necessary and accessory to the above permitted uses:
1. Primary processing of forest products
 2. Administrative Services
 3. Fire Stations
 4. Animal Sales and Services - Stockyards
 5. Automotive and Equipment - limited to the storage, maintenance and repair of logging equipment.
 6. Campgrounds
 7. Wholesaling, storage and distribution - limited to forest products.
- D. NON-FOREST CONDITIONAL USES - The following uses are further defined in Chapter 9 and may only be approved subject to findings that they are located on land generally unsuitable for timber management and which is not needed for the other forest uses permitted in Section B, or upon approval of an exception to Goal 4 pursuant to ORS 197.732.

1. Mineral and aggregate extraction.
2. Extensive impact service and utilities limited to power generating plants and transmission lines, communication structures, sewage treatment plants, solid waste disposal site, cemeteries.
3. Resorts or lodges not providing overnight accommodations and which are in conjunction with outdoor recreational activities such as fishing, boating, hunting or skiing.
4. Residential - single-family or mobile home.

E. CONDITIONAL USE PERMIT CRITERIA

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

F. Residential Siting Standards

1. At the time an application is made for a building permit for a residence accessory to forest use; the applicant shall provide the Planning Department with documentation showing that;
 - a. The applicant needs to live on the property to effectively manage the forest resource,
 - b. The residence is secondary to forest management on the property;
 - c. The above are supported by a forest management plan which addresses:
 1. The distance to the nearest existing urban or rural residential area,
 2. The activities which will maximize timber production on the property;
 3. The need for the residence to provide protection against vandalism, theft or fire.
2. All dwellings in the forest zone shall be subject to the following standards;
 - a. Fuel breaks between a residence and the forest shall be required.
 1. A fuel break of at least 30 feet shall be maintained around all structures. A fuelbreak may contain ornamental shrubbery, single specimen trees, or similar plants provided they do not provide a means of rapidly transmitting fires from native vegetation to structures.
 2. In areas where slopes exceed 30% a wider fuel-break may be required.
 3. The specific location of the fuel break shall be indicated on a plot plan of the building site to be provided to the County Building Official at the time a building permit is issued and a Certificate of Occupancy will not be issued for the structure until clearing of the fuel break is completed.
 - b. Upon construction of a dwelling within designated timberland, the home owner shall maintain an adequate water supply and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.

- c. No dwelling shall be located closer than 50 feet from the front property line or 80 feet from the center of the roadway, whichever is greater. No dwelling shall be closer than 300 feet from all other lot lines. The above side and/or rear setback can be decreased to not less than 30 feet at the discretion of the Planning Director if the pattern of parcelization, the natural features of a parcel, the location of access roads and existing dwellings would permit the clustering of dwellings to conserve larger contiguous forested or agricultural areas or where size or shape of the parcel makes the 300 foot setback impractical.

G. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area - No minimum lot size is established. Any land division proposed under this Section for lands zoned Forestry shall be reviewed for conformance with the following criteria, and shall be processed pursuant to Article 46:
 - a. The proposed division is compatible with forest uses in the area, and does not interfere with forest practices as defined and regulated under ORS 527.610 to 527.730.
 - b. The proposed division is consistent with the forest use policies as provided in the Klamath County Comprehensive Plan and with ORS 527.630(1).
 - c. The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased roads or other public facilities and services.
 - d. The proposed division provides for resultant parcels of sufficient size to ensure:
 - (1) that forest uses will be the primary use on such lands;
 - (2) that nonforest uses are necessary and accessory to the primary use as a forest operation; and
 - (3) that forest practices regulated under ORS 527.610 to 527.730 may take place in a cost effective manner.
 - e. A five year land use management plan for permitted forest uses shall accompany any request for the creation of lots or parcels in such areas. Applicants shall specify the type and amount of timber products to be raised. The plan shall be reviewed and approved by the relevant granting body prior to final approval.

The primary emphasis in this zone, however, is the maintenance and enhancement of the forest resource.

- f. If the proposed division is adjacent to an area designated by Klamath County Comprehensive Plan as Agriculture or Forest Range, the provisions of ORS 215.213(3) may be used to insure compatibility with such adjacent farm uses, so long as the division does not thereby interfere with forest practices regulated under ORS 527.610 to 527.730.
2. Building Setbacks and Yards - See Chapter 6, Article 62.
3. Fences, Hedges and Walls - See Chapter 6, Article 64.
4. Distance Between Buildings - See Chapter 6, Article 62.
5. Building Heights - See Chapter 6, Article 63.
6. Signs - See Chapter 6, Article 66.
7. Access - See Chapter 7, Article 71.
8. Parking - See Chapter 6, Article 68.
9. Landscaping - See Chapter 6, Article 65.
10. Fire Safety - See Chapter 6, Article 64.

SECTION 51.021 - FORESTRY/RANGE (FR)

- A. PURPOSE: This zone is to promote management, utilization, and conservation of lands used for forestry and grazing, and preserving such land from conflicting non-resource uses. This designation also encourages management practices on such lands for forest resource uses including, but not limited to: watershed management, recreation, and fish and wildlife management. These lands are not commercial forest lands.
- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Residential - Single family, mobile home, and worker residential uses are permitted for the owner, family members or employees when in conjunction with permitted uses.
 - a. Forest Use
 - b. Uses necessary and accessory to forest uses such as fire prevention, detection, and suppression facilities, including landing strips.
 2. Forestry
 3. Large Animal Raising
 4. Small Animal Raising
 5. Essential Services
 6. Outdoor Recreation
 7. Fish and Wildlife Management and Watershed Protection
 8. Mineral extraction in conjunction with forest road maintenance.
 9. Horticulture
 10. Row and Field Crops
- C. CONDITIONAL USES: The following uses are further defined in Chapter 9 of this Code:
1. Civic Use Types - Extensive impact use types, limited to public utility facilities, solid waste disposal sites, sewage treatment plants, communication structures, golf courses, campgrounds, fire stations, public research limited to forestry, agriculture, and wildlife topics, and electrical generating facilities.
 2. Participant sport use types, limited to hunting and fishing preserves, firearm and archery ranges, parks and picnic areas, riding and hiking trails and golf courses.
 3. Wholesaling, Storage and Distribution - Limited to agricultural and forest products.
 4. Animal Sales and Services - Auctioning.

5. Industrial Uses - Limited to the primary processing of forest and agricultural products.
 6. Airports and Heliports - Personal use.
 7. Administrative Services - In conjunction with forestry uses.
 8. Mineral Exploration and Extraction
 9. Cemeteries
 10. Horse Keeping
 11. Feedlots
 12. Kennels - Commercial
 13. Single-family residence not in conjunction with forest use, and when located on non-resource land.
 14. Public research areas for experimental and research activities associated with forest management, forest products, and wildlife.
 15. Religious Assembly
 16. Community Education
- D. NON-FOREST USES: The non-forest uses conditionally permitted above shall be subject to review in accordance with the following criteria. The review authority must find that each such use:
1. is compatible with forest uses;
 2. does not interfere seriously with accepted forestry practices on adjacent lands devoted to forest use;
 3. does not materially alter the stability of the overall land use pattern of the area;
 4. is situated on generally unsuitable land for the production of forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract;
 5. considers forest site productivity and minimizes the loss of productive forest lands;
 6. meets the standards relating to the availability of fire protection as set forth in Article 69 of this Code and other rural services, and will not overtax those services; and

7. complies with such other conditions as the governing body of the County considers necessary.

E. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area - 40-acre minimum lot size. Any land divisions proposed under this section for lands zoned Forestry/Range shall be reviewed for conformance with the following criteria, and shall be processed pursuant to Article 46.
 - a. All proposed partitionings of land for Forestry/Range shall meet the following criteria:
 - 1) The proposed division is compatible with other lands zoned Forestry/Range in the area, and does not interfere with forest practices as defined and regulated under ORS 527.610 and 527.730.
 - 2) The proposed division is consistent with the forest use policies as provided in the Klamath County Comprehensive Plan and with ORS 527.630(1).
 - 3) The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased roads or other public facilities and services.
 - 4) The proposed division provides for resultant parcels of sufficient size to ensure:
 - a) that forest uses will be the primary use on such lands;
 - b) that non-forest uses are necessary and accessory to the primary use as a forest operation; and
 - c) that forest practices regulated under ORS 527.610 to 527.730 will not be adversely impacted.
 - 5) If the proposed division is adjacent to an area designated by Klamath County Comprehensive Plan as Agriculture or Forest, the provisions of ORS 215.213(3) may be used to insure compatibility with such adjacent farm uses, so long as the division does not thereby interfere with forest practices regulated under ORS 527.610 to 527.730.

2. Buiding Setbacks and Yards - See Chapter 6, Article 62
 3. Fences, Hedges and Walls - See Chapter 6, Article 64
 4. Distance Between Buildings - See Chapter 6, Article 62
 5. Building Heights - See Chapter 6, Article 63
 6. Signs - See Chapter 6, Article 66
 7. Access - See Chapter 7, Article 71
 8. Parking - See Chapter 6, Article 68
 9. Landscaping - See Chapter 6, Article 65
- F. SETBACKS FOR FIRE SAFETY AND OTHER STANDARDS: The following criteria shall be met:
1. Where possible, residences shall maintain a setback of fifty (50) feet from adjoining property lines.
 2. No dwelling shall be located closer than seventy-five (75) feet from the front property line. Front line setback is measured from the center of the roadway.
 3. Domestic water supplies for all development within the designated zone shall emanate from surface or subsurface water sources contained within the boundary of the property in question.
 4. Fuelbreaks between a residence and the forest zone shall be required.
 5. The homeowner shall maintain an adequate water supply and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
 6. Residence complies with such other conditions as the approving authority considers necessary.

SECTION 51.022 - NON-RESOURCE

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

E. PERMITS FOR NON-PROFIT BUILDINGS:

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

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

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

ARTICLE 52 - SPECIAL PURPOSE ZONES

SECTION 52.001 - PLANNED UNIT DEVELOPMENT ZONE

- A. PURPOSE: The purpose of the Planned Unit Development zone is to provide opportunities for the innovative development of large areas of land by encouraging their development in a comprehensive, integrated manner, and by allowing modification of the standards contained in the Land Development Code. The application of the Planned Unit Development zone to a specific geographic area shall be regarded as a change of zone. Upon its approval by the review authority, the Development Plan for the specific Planned Development shall become the basic document for regulating the use and development of the land. It is the further purpose of the Planned Development zone to encourage development which meets two or more of the following objectives:
1. The clustering of development through density transfers in order to preserve a significant amount of open space which is commonly owned by the residents of the development.
 2. The mixing of residential, civic, commercial, or industrial use types in a manner which reduces dependency on the automobile as the exclusive means of transportation by providing housing, employment opportunities, shopping and personal service facilities, and schools in close proximity to each other.
 3. The mixing of residential, civic, commercial, and industrial use types in order to utilize community-wide energy system technologies such as district heating.
 4. The use of passive and active solar technologies, provided the solar access of these systems is guaranteed as provided by Oregon Law.
- B. PERMITTED USES: Any use types which are either permitted or conditionally permitted, as provided by Chapter 5 shall be permitted within said Planned Unit Development. All use types which will be included within a Planned Unit Development shall be listed in the Development Plan.
- C. PROCEDURE: The application of the Planned Unit Development Zone to lands within Klamath County shall be accomplished by a change of zone and plan designation as provided in Chapter 4; however, this procedure shall be supplemented by a Concept Plan and a Development Plan, major land partition plan, minor land partition plan, or subdivision plat as described in the following sections:

1. Prior to submission of an application for a change of zone designation, in order to apply the Planned Unit Development zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Section 86.006 below. Upon receipt of the Concept Plan, the Planning Director shall schedule and hold a Concept Plan Review Conference with the applicant. At said conference, the applicant or his authorized agent shall present the Concept Plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other county or public departments or agencies, may be invited to attend the conference.
 2. The hearing body shall consider the Planned Unit Development land use and zone change request, the Development Plan, and any major or minor partitioning request, or proposal subdivision plat during the same public hearing. Approval of the Planned Unit Development request shall be subject to approval of the development plan and the major land partition map, the minor partition map, or subdivision preliminary plat.
 3. If the Planned Unit Development Plan contains more than one phase, only the preliminary plat for the first phase need be presented for review.
 4. In the case of land already zoned as a Planned Unit Development, the zone will be implemented by a submission of the conceptual plan, development plan, and major or minor partition or preliminary plats as above required, to be reviewed by the review authority by the procedure provided by this Code.
 5. A Development Plan shall be amended by the hearing body, following the procedure outlined above.
- D. CONCEPT PLAN: A Concept Plan shall contain:
1. General Narrative - A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed planned development, including proposed uses and activities, proposed residential densities of appropriate, and physical land alteration required by the development; and the relation of the proposed planned development to the Klamath County Comprehensive Plan.

2. **General Site Plan.** A generalized site plan showing the entire parcel with schematic indications of approximate locations of buildings, public and private rights-of-way, parking and loading areas, public and private open spaces, walkways, planting areas, etc.

E. Development Plan Standards

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

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

F. SITE DESIGN AND DEVELOPMENT STANDARDS

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

and adequate drainage facilities as required by the County Engineer.

G. TIME LIMIT, TERMINATION OF PLANNED UNIT DEVELOPMENT ZONE:

If no development action, such as capital improvements or any sale of land has taken place within a Planned Unit Development within five (5) years of its final approval, that Planned Unit Development shall be referred to the Planning Commission. The Planning Commission shall hold a public hearing to determine whether the Planned Unit Development Zone shall be continued for one (1) additional year or whether to recommend to the Board of County Commissioners that the Planned Unit Development zone shall be terminated and the zone be removed by ordinance from the zoning map, and redesignated to its preceding zone.

SECTION 52.002 - AIRPORT SAFETY AREA - KINGSLEY FIELD

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

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

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

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

B. USE RESTRICTIONS

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

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

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

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

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

SECTION 52.003 - AIRPORT NOISE AREA - KINGSLEY FIELD

A. APPLICATION

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

B. PERMITTED AND CONDITIONALLY PERMITTED USES

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

1. Area Within the 65-70 Ldn Contours:

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

2. Area Within the 70 and Greater Ldn Contour:

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

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

C. MITIGATION OF NOISE IMPACTS

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

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

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

A. AIRSTRIP SAFETY AREAS DEFINED

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

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

B. USE RESTRICTIONS

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

C. HEIGHT RESTRICTIONS

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

SECTION 52.005 - FLOOD HAZARD AREA

- A. PURPOSE: The purpose of this overlying zone is to regulate the development of areas that are subject to flooding, erosion or similar hazards, in order to avoid or reduce losses to life and property.
- B. FLOOD HAZARD AREA DEFINED: The flood hazard area is land within the 100-year flood level as shown on the current Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps prepared under the Federal Emergency Management Agency's National Flood Insurance Program.
1. Floodway - The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot.
 2. Flood Fringe - The area of the 100-year floodplain lying outside of the floodway but subject to periodic inundation from flooding.
- C. DEVELOPMENT REQUIREMENTS: All proposed development that occurs within the flood hazard area is subject to regular review procedures and in addition shall be referred to the County Engineer or Building Officials as provided below:
1. Normal Depth Analysis - A normal depth analysis or other equivalent engineering analysis which demonstrates to the satisfaction of the County Engineer that no structure will be located within the floodway. The following information is required in order to determine the precise location of the floodway:
 - a. Plans drawn to an appropriate scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the floodway.
 - b. A typical valley cross-section showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile.
 - c. A profile showing the slope of the bottom of the channel or flow line of the stream.
 2. Structural Plan - Where the data required by the previous subsection indicates that proposed structures are located outside the floodway but within the flood fringe, a structural plan is to be provided for review and approval

by the Building Official. The plan is to demonstrate that proposed structures are designed to withstand partial inundation, and that proposed uses will not subject occupants to undue risk of flooding. Such structural plans are to include, where applicable, specifications for building construction, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. Site design standards, if necessary, shall be determined during the review procedure.

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

1. Temporary Uses - The Planning Department may authorize the construction or placement of a temporary structure or use within a flood hazard area without compliance with these standards, with the approval of the Building Official, provided that the structure or use will not be in place during the period from the beginning of October to the end of May.
2. Emergency Work - Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer is to be notified, and an application filed with the Planning Department in compliance with the provisions of Section 84.003.
3. Existing Uses - The continuence, operation, repair, or maintenance of any lawful use of land existing on the effective date of this Code is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this Code.

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

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

F. CONSTRUCTION STANDARDS: Any structures or construction activities within a Flood Hazard Overlying Zone shall be subject to the following:

1. General Construction:

- a. No construction is to limit the capacity of the floodway or unduly increase flood heights.
- b. Structures are to be constructed and placed on a building site to offer the minimum obstruction to the flow of flood waters.
- c. Structures are to be firmly anchored to prevent flotation which could result in damage to other structures, or restriction of bridge openings and to the flow of flood waters.
- d. Service facilities such as electrical and heating equipment are to be flood-proofed or constructed at or above the 100-year storm flood profile level for the site.

2. Structures for Human Occupancy - All structures intended for human occupancy are subject to the following standards, in addition to the provisions of Subsection A of this section:

- a. A structure intended for human occupancy is to be approved only where a registered engineer certifies that all portions of such structures are located outside the floodway submitted in accordance with subsection C above.
- b. On the basis of structural plans and the flood channel analysis, the ground flood of all structures is to be constructed above the 100-year storm flood profile.

3. Storage and Processing - The storage and processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect the capacity of the floodway or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable within the time available after flood warning.

SECTION 52.006 - GEOTHERMAL RESOURCE

- A. PURPOSE: The purpose of the Geothermal Plan and Zone Designation is to utilize and maximize significant geothermal resources of Klamath County for industrial and commercial processes.
- B. APPLICABILITY: The Geothermal Plan and Zone Designation shall be applied only to land meeting all of the following standards:
1. That all applicable comprehensive plan policies be met.
 2. Data indicating that the quality and quantity of the geothermal resource exists to support the proposed industrial or commercial development.
 3. This plan and zone designation can only be applied to those lands as identified on the Generalized Groundwater Aquifers and Geothermal Resource Map, or where sufficient studies and test wells indicate a significant geothermal resource exists.
 4. Data indicating that site characteristics such as access, soils stability, potable water, and utilities are suitable for proposed industrial or commercial development.
 5. That the resource must be used, and used primarily for either industrial or commercial process uses. Commercial uses, single-family residence or mobile home uses are permitted when accessory to the permitted use. Residential and commercial uses which are secondary to the industrial or commercial process uses may be identified in the concept or development plans; however, all applicable comprehensive plan policies must be met prior to County approval.
 6. 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.
 7. That geothermal resources shall be used in accordance with any State or Federal laws in effect. All relevant definitions will be those as listed in State ORS 523.010.
- C. PERMITTED USES: Any use types which are either permitted or conditionally permitted as provided by Chapter 5 in the Industrial and Commercial zones as defined in 5 above shall be permitted. All use types which will be included within a Geothermal Designation shall be listed in the Development Plan. Commercial and residential uses which are secondary to industrial or commercial process uses may be allowed.

D. PROCEDURE FOR SECURING PLAN AND ZONE DESIGNATION: The application for a Geothermal Designation to lands within Klamath County shall be accomplished by a change of plan and zone designation as provided in Chapter 4; however, this procedure shall be supplemented with a development plan, a major land partition, a minor land partition, or subdivision plat as described in the following sections:

1. The hearing body shall consider the Geothermal Concept Plan Review as a plan and zone change request, and any major or minor partitioning request, or proposed subdivision plat during the same public hearing. If the concept plan is approved, the applicant may request that the development plan be considered at the same or subsequent hearing. Approval of the plan and zone change request shall be subject to approval of the concept plan, and, if necessary, the major land partition map, the minor partition map, or subdivision preliminary plat.
2. If the Geothermal Development Plan contains more than one phase, only the preliminary plat for the first phase need to be presented for review.
3. In the case of land planned and zoned geothermal in accordance with Section 52.006 of the Land Development Code, the zone will be implemented by the approval of the development plan.

E. CONCEPT PLAN: Prior to submission of an application for a change of plan and zone designation, the prospective applicant shall submit to the Planning Director a Geothermal Concept Plan prepared in accordance with the standards provided in Section F below. Upon receipt of the concept plan, the Planning Director shall schedule and hold a concept plan review conference with the applicant. At said conference, the applicant or his authorized agent shall present the concept plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend, and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

F. CONCEPT PLAN STANDARDS

1. Concept Plan

- a. General Narrative - A generalized narrative describing the:
 - (1) Location of the site;
 - (2) its total acreage;
 - (3) the existing character, use of the site;
 - (4) uses of adjoining properties;

- (5) concept of the proposed development, including:
 - (a) proposed uses and activities;
 - (b) physical land alteration required by the development, and
 - (c) a detailed description of how the geothermal resource is to be used.
- b. General Site Plan - A generalized site plan showing the entire parcel with schematic indications or approximate locations of:
 - (1) buildings including all industrial structures;
 - (2) public and private rights-of-way;
 - (3) parking and loading areas;
 - (4) public and private open spaces; and
 - (5) circulation plan.
- G. 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. The hearing body shall consider the development plan if any major or minor partitioning or subdivision plat is proposed. If there is no major or minor partitioning or subdivision requested within the development plan, or any substantial change from the concept plan, there shall be no hearing required for a development plan approval. A Development Plan shall contain:
 - 1. Statement of Intent - An overall development scheme which states the development intentions of the landowner respecting his property, including but not limited to the following:
 - a. A statement of location and intensity of proposed uses and activities, including:
 - b. public and private open spaces;
 - c. a physical description of proposed facilities accommodating such uses, including types of buildings, structures;
 - d. landscaping;
 - e. circulation elements;
 - f. statement of location and general configuration of lands to be dedicated for public open space;
 - g. other public uses, general designation of utilities, general statement of form of site management proposed in areas of significant natural resources;

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

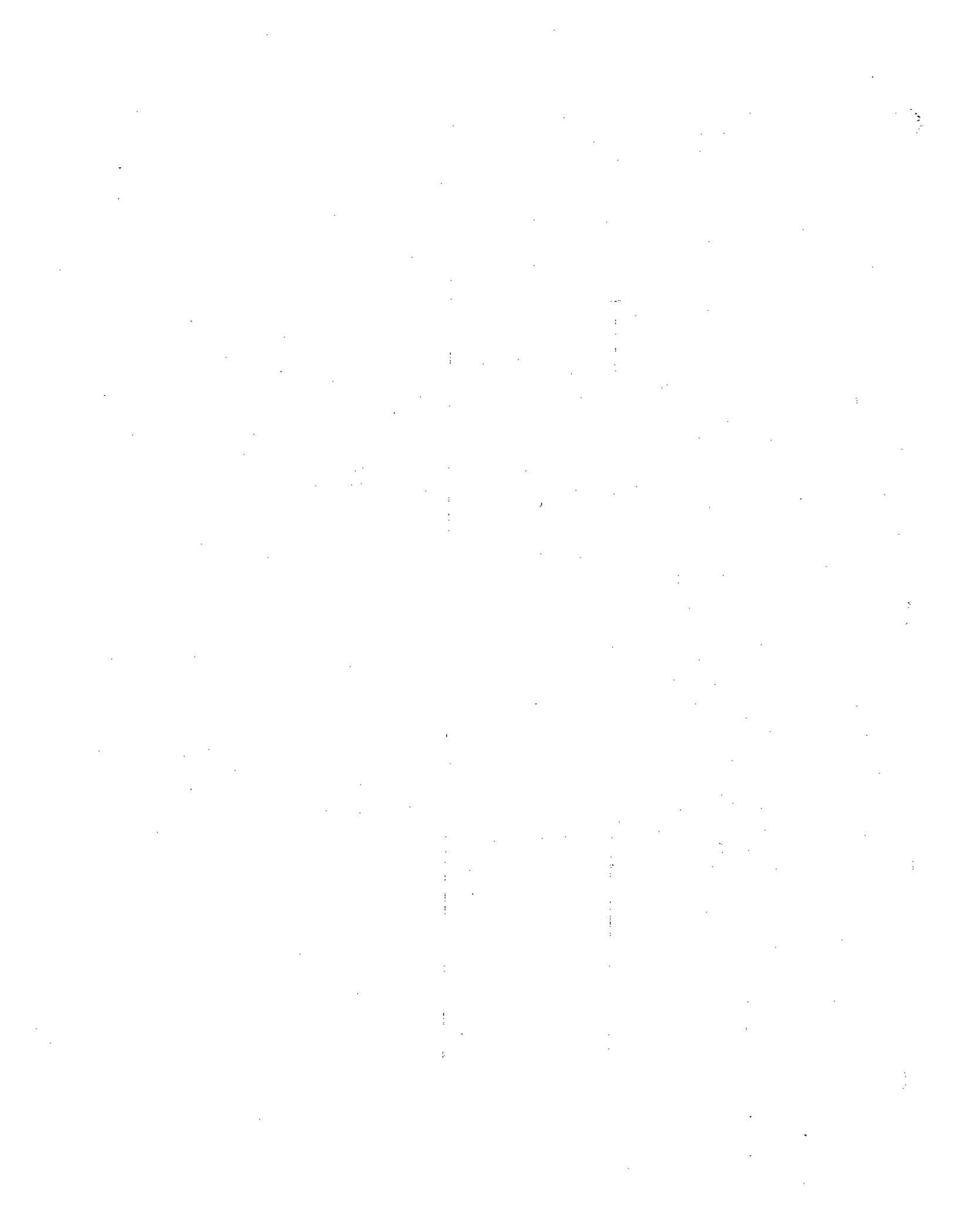
H. APPLICATION FOR SITE DESIGN AND DEVELOPMENT STANDARDS:

1. The site development standards contained in Chapter 6 for lot size and shape and building setbacks and yards may be waived in a Geothermal Designation providing

that the development plan indicates where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety and welfare.

2. Standards for roadway improvements in urban areas contained in Section 71.009 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty (50) feet wide right-of-way, eight (8) inches of base rock, twenty-four (24) feet wide pavement, and two (2) feet wide gravel shoulders for a total improved top width of twenty-eight (28) feet and adequate drainage facilities as required by County Engineer.
 3. Standards for roadway improvements in Rural Areas contained in Section 71.010 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission subject to a minimum requirement of a fifty (50) feet wide right-of-way, twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders and adequate drainage facilities as required by the County Engineer.
- I. AMENDMENT OF THE DEVELOPMENT PLAN: A Development Plan shall be amended by the same procedure originally establishing it.
 - J. REVISIONS FROM THE APPROVED CONCEPT PLAN, DEVELOPMENT PLAN, OR PRELIMINARY PLAT:

Any major revisions from the approved or conditionally approved concept plan, development plan, or preliminary plat, determined at the time that detailed surveying work is accomplished, shall be reviewed by the Planning Department and the Public Works Department. If determined necessary, the concept plan, development plan, or preliminary plat shall be referred back to the Planning Commission for approval of the modification.



CHAPTER 6
PLANNING DEPARTMENT
SITE DESIGN AND DEVELOPMENT STANDARDS

ARTICLE 60 - BASIC PROVISIONS

SECTION 60.001 - PURPOSE

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

SECTION 60.002 - APPLICATION

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

SECTION 60.003 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

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

SECTION 60.004 - STANDARDS PROVIDED

This chapter provides standards for the following:

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

ARTICLE 61 - LOT SIZE AND SHAPE

SECTION 61.001 - LOT SIZE AND SHAPE

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

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

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

SECTION 51.002. -- FLAG LOTS

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

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

ARTICLE 62 - BUILDING SETBACKS AND YARDS

SECTION 62.001 - PURPOSE

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

SECTION 62.002 - EXEMPTION TO YARD STANDARDS

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

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

SECTION 62.003 - FRONT YARDS

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

A. Residential Uses

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

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

B. Commercial and Industrial Zones

1. Commercial and industrial zones shall have a minimum front yard of twenty-five (25) feet, except:
 - a. Where the adjacent and adjoining properties are of a similar use type in which case the minimum front yard may be reduced to ten (10) feet.
 - b. In the General Commercial zone where no front yard is required.
 - c. Where the uses adjacent to a Heavy Industrial zone are residential or agricultural, in which case the minimum front yard shall be at least seventy-five (75) feet.
2. Required front yards in commercial and industrial zones shall be used for landscaping and/or parking.

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

D. Double Frontage Lots

1. Where double frontage yard locations are not specified by subdivision map, ordinance or other applicable regulations, the applicant may select the street for the frontage. Lots on the same block are developed with the same front yard orientation. All remaining lots are to orient their front yards the same as the majority.

2. A front yard is to be provided adjacent to one frontage, and a yard of one-half the required front yard depth adjacent to the other frontage.

SECTION 62.004 - SIDE YARDS

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

A. General Side Yard Requirements - These requirements apply except where otherwise provided by this section.

1. For lots of one (1) acre or more in area, ten percent (10%) of the front yard measured on the front property line, but up to a maximum of twenty (20) feet.

2. For lots less than one (1) acre in area, five (5) feet.

3. Buildings greater than one story in height shall have side yards increased one and one-half (1.5) feet for each story of elevation thereof above the first story.

B. Corner Lots - The side yard on the street side of the corner lot is to be a minimum of ten (10) feet, except that:

1. In Rural, Rural Residential or Suburban Residential zones, side yards shall be a minimum of fifteen (15) feet.

2. A lot having width less than fifty (50) feet is to be provided a minimum side yard of five (5) feet.

C. Accessory Buildings - A side yard may be used for an accessory building up greater than 11 feet in height, provided that it is not used for human habitation and is either:

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

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

SECTION 52.005 - REAR YARDS

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

A. Residential Zones

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

B. Accessory Building - As herein permitted, accessory buildings may be located in a rear yard of a residential zone provided that the accessory building is no greater than twelve (12) feet in height, is not used for human habitation, and is located no closer than five (5) feet from the rear property line.

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

1. Where the rear property line abuts an alley, the rear yard is to be at least five (5) feet.

2. Where the rear property line abuts a residential, agricultural or accessory zone, the rear yard is to be a minimum of fifteen (15) feet. The minimum rear yard is to be an additional five feet for each linear foot of commercial construction building height above twelve (12) feet. The required rear yard may be used for parking, storage, or landscaping.

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

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

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

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

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

SECTION 62.006 - Interior

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

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

SECTION 62.007 - RIPARIAN SETBACK STANDARDS

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

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

Riparian Setback Requirement Exceptions

1. Residential lots of record or approved subdivision lots created on a plan which have a lot depth which complies or compliances with the setback standards of this section shall be exempt from the strict application of these standards. Such structures shall be setback the maximum practicable distance.
 2. If existing structures do not meet setback standards, additions may meet the same setback as the existing structure but may not exceed the setback of the existing structure.
 3. Public uses, such as bridges for public roads, shall be allowed within the setbacks stated in this section provided that adverse impacts are mitigated.
 4. Structures necessary to make use of a water right.
- B. Criteria for Reduction of Setback Standards - Exceptions to riparian setback standards may be granted when the Planning Director finds after consultation with the Oregon Department of Fish and Wildlife or after review under Article 43 that:
1. The character and size of the proposed development and its potential for adverse impacts on the water resource, fish or wildlife habitat area, or fish or wildlife species is minimal and therefore the setback area may be reduced.
 2. The topography of the area precludes the necessity of the riparian setback since topography protects the water resource, fish or wildlife habitat area, or fish or wildlife species from the detrimental impact of the proposed use.
 3. The type and density of the existing vegetation is such that the width of the setback may be reduced without disturbing the critical habitat value, water quality or wildlife species.
 4. The type and stability of soils will preclude erosion.
 5. The reduction of the setback will have no significant or cumulative negative impacts on the water resource or wildlife habitat provided by the riparian area.
- C. Water Dependant Uses - Water dependent commercial and industrial uses and private boat docks, marinas, and boat ramps, which are proposed in waters solely under county jurisdiction shall be subject to the approval

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

ARTICLE 63 - HEIGHTS

SECTION 63.001 - PURPOSE

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

SECTION 63.002 - MEASUREMENT OF HEIGHT

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

SECTION 63.003 - HEIGHTS

The maximum height for new structures is to be as follows, unless such structures are located in the Airport Hazard Area in which case the height limitations prescribed in Article 81 shall govern.

<u>Zone</u>	<u>Maximum Height (feet)</u> <u>Above Average Grade</u>
Residential	35
Neighborhood Commercial	20
Community Commercial	35
General Commercial	50
Highway-related	
Airport, Recreation	1
Light Industrial	50
Heavy Industrial	150
Exclusive Farm Use, Forestry	35

SECTION 63.004 - EXEMPTIONS TO HEIGHT LIMITATIONS

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

1. Radio and television receiving antennas of the type customarily used for home radio and television receivers, when fifty (50) feet or less in height.
2. Transmitting antennas used for licensed amateur (ham radio operators) when fifty (50) feet or less in height.
3. Flagpoles fifty (50) feet or less in height.
4. Grain elevators, silos, water tanks, windmills, barns and all other structures not containing residential uses located in the Exclusive Farm Use or Forestry zones, provided that they be located a distance from the property line at least equal to their height.
5. Chimneys extending no more than three (3) feet above the height limit.