ARTICLE 64 - FENCES, HEDGES AND WALLS

SECTION 64.001 - PURPOSE

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

SECTION 64.002 - REQUIRED AND PERMITTED FENCES, HEDGES AND WALLS

A. Visual Obstruction Prohibited - No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic, and the provisions of Article 64 shall apply.

B. Front Lot Lines - Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within front property lines, provided they do not obscure vision, except that fences, hedges, and walls may be six (6) feet in height if they are constructed of open mesh or materials that do not obscure vision.

C. Side and Rear Lot Lines - Fences, hedges, and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines of interior and corner lots, except that they shall not be located closer than ten (10) feet to the side property line of a reverse corner lot.

D. Side and Rear Lot Lines of Nonresidential Uses - The side and rear property lines of all non-residential uses shall be screened as follows:

1. When abutting a residential or agricultural use of zone, a solid wall or fencing not exceeding six (6) feet in height shall be located on side and rear property lines of any non-residential use or land use zone.

2. A wall or screened fencing not exceeding six (6) feet in height shall be located on the side and rear property lines of any site within the industrial and commercial use or zone which abuts another land use type or zone.

E. Swimming Pools - Yard areas containing private swimming pools shall be fenced to discourage unsupervised access and use by small children. Such fencing may be a minimum of six (6) feet high and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured.

F. Mechanical Equipment - When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

1. Roof-mounted equipment shall be screened by architectural features from the view of abutting streets.

2. Equipment at grade when located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, by a wall or fencing from the view of the street or surrounding properties.

G. Outdoor Storage - Outdoor storage in commercial or industrial zones shall be screened on all sides by a wall or fencing to the height of the stored items, but in no event to exceed twelve (12) feet.

H. Public Utility Substations - Public utility substations shall be screened on all sides by screening or fencing.

SECTION 64.003 - HEIGHT EXEMPTIONS

A. Security Fencing - Security fencing consisting of chain link fencing or similar material may be permitted at a height in excess of height limitations provided herein provided the:

1. Security fencing shall not exceed height limitation for fences when located in the required front yard.

2. Security fencing shall not be constructed of materials to form a solid barrier.

3. Security fencing shall in no event exceed twelve (12) feet in height.

B. Play Area Fencing - Fences constructed of chain link fencing or the like that enclose game or play areas may be permitted at a height in excess of the height limitations herein provided that:

1. Fencing shall not exceed height limitations when located in the required front yard.

2. Fencing shall not be constructed of materials to form a solid barrier.

3. Fencing shall in no event exceed twelve (12) feet in height.

C. School Grounds Fencing - Fences constructed of chain link fencing or similar materials that enclose school grounds may be permitted at a height in excess of the height limitations provided herein, but in no event shall exceed twelve (12) feet in height.

SECTION 64-004 - SCREENING MATERIALS

Where screening is required to be a wall or fence, the following materials may be substituted, except where screening is required adjacent to a residential use or zone.

A. Landscape Screen - Screening plant materials may be substituted for a wall or fence, where:

1. The applicant agrees in writing to install solid fencing after the expiration of thirty-six months, in the event that the landscaping has not totally blocked the view of areas required to be screened.

B. Berms - A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of 3:1, with side slopes designed and planted so as to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. The berm is to be planted with schrubs or lawn.

C. Slatted Chain-Link Fencing - Chain-link fences with slats may be substituted for a wall or fence in an industrial zone, except where screening fencing is required adjacent to another land use zone.

ARTICLE 65 - LANDSCAPING

SECTION 65.001 - PURPOSE

The purposes of landscaping are to enhance the appearance of structures and properties, to provide visual privacy, to provide areas on sites which can absorb rainfall and reduce stormwater runoff, and to improve the visual environment.

SECTION 65.002 - REQUIRED LANDSCAPING

Landscaping shall be provided for sites where the following uses occur within Urban Growth Boundaries, Rural Community Boundaries, and Rural Service Centers.

A. Industrial Use Types - As defined by Article 114.

B. Commercial Use Types - As defined by Article 113.

C. Planned Unit Developments Use Types - As defined by Article 86.

D. Mobile Home Parks Use Types - As required by Article 88.

E. Parking Areas - As required by Section 68.006.

F. Civic Use Types - As defined by Article 68.

G. Residential-Multiple Family, Group and Group Care - As defined by Article 110.

SECTION 65.003 - STANDARDS FOR LANDSCAPING MATERIALS

Where landscaping is required by Section 65.002 the materials used and their installation and maintenance is subject to the following provisions:

A. Allowable Materials - Landscaping shall include some combination of the following materials, where appropriate to achieve the intended or required purpose of the landscaping (e.g. screening, etc.):

1. Trees, shrubs, groundcover, vines, flowers or lawns;

B. Excluded Materials - Landscaping proposed to satisfy the requirements of this Code shall not include any plant materials which:

1. Have root structures, which in their mature state may damage or interfere with the normal use of existing public or private underground electrical lines, cables, or conduits, pipes or other underground structures; or public or private sidewalks, curbs, gutters or paved parking and turnaround areas, drainage improvements, or adjacent structures, foundations, or landscape materials.

2. Will have diminished potential for survival because of proposed locations or grouping which do not satisfy the needs of the plant material necessary for health growth.

3. Because of proposed location and type, will create a potential hazard of brush or forest fire.

4. Will obstruct the vision of vehicle operators or pedestriams at points of intersection between pedestrian and vehicular traffic.

SECTION 65.004 - LANDSCAPING PLANS

The purpose of a landscaping plan is to identify the placement and type of plant materials as features of project design. By detailing the plantings and method of irrigation proposed, a landscaping plan provides an effective means for evaluating whether chosen plant materials will survive in the climatic and soils of a given site; satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time; and whether a proposed irrigation system will adequately support landscaping while conserving water. Landscaping plans are to be prepared, processed and used as follows:

A. Where Required - Landscaping plans are required to accompany all applications for site plan approval in commercial and industrial zones.

B. Landscaping Plan Content - Landscaping plans are to be neatly and accurately drawn at an appropriate scale which will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscaping plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans are to show:

1. The location of all trees existing in or within fifty (50) feet of areas proposed for grading or other construction, which are eight (8) inches or larger in diameter at four (4) feet above natural grade. Trees proposed to be removed are to be identified.

2. Any shrubs or plants identified as endangered or to otherwise be protected.

3. Proposed landscaping details including the location, species, and number of trees, shrubs and groundcover.

4. Details and location of proposed fencing, entries, trash collection areas and freestanding signs.

5. Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment.

6. Outdoor light fixtures, including their location and height.

7. Any irrigation system which may be provided.

C. Landscaping Plan Review and Approval - Landscaping plans shall be subject to the Planning Director's review procedure and shall be reviewed together with the land use application which they accompany.

SECTION 65.005 - MINIMUM PLANTING REQUIREMENTS

Whenever a portion of a lot or parcel is required to be used for landscaping, at least one tree and two shrubs shall be required for each 1,000 square feet of such space or fraction thereof. Where perimeter landscaping is required, at least one tree for each fifty (50) feet of frontage shall be provided. Perimeter landscaping shall also include shrubs spaced apart a distance no greater than their height. The spacing of shrubs refers to the distance between the centers of the plants.

SECTION 65.006 - INSTALLATION

Required landscaping shall be installed prior to occupancy, unless the developer executes and files with the Planning Director an agreement to install all required landscaping within six months of occupancy.

ARTICLE 66 - SIGNS

SECTION 66.001 - PURPOSE

The purpose of these sections is to establish sign regulations within Urban Growth Boundaries, Rural Community Boundaries and for commercial and industrial zones which are intended to:

A. Establish a comprehensive system for the regulation of signs.

B. Support the use of signing aid orientation, identify business and activities, express local history and character, or serve other information purposes.

C. Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character, and type of lighting compatible with the appearance of the buildings and uses in the vicinity.

D. Support the use of signing which is maintained in a safe and attractive condition which does not:

1. Create distractions which may jeopardize pedestrian or vehicular traffic safety, or

2. Produce glare which adversely affects residential uses.

E. Preserve and enhance the county's environment.

SECTION 66.002 - APPLICATION

No person shall place, erect, construct, or otherwise maintain any signs which are in compliance with the provisions contained in this Code or any other applicable ordinance or statute. Signs permitted by this Code shall meet minimum standards to safeguard life, health, property, and public welfare as prescribed by the Uniform Sign Code, in addition to those standards required by this Code.

SECTION 66.003 - EXEMPT SIGNS

The provisions of this Code pertaining to signs shall not apply to the following signs unless otherwise indicated herein:

A. Directional, warning, or information signs required or authorized by law which are erected by federal, state, county, or municipal officials.

B. Official notices issued by a court or public body or office and posted in the performance of a public duty.

C. Danger signs, railroad crossing signs, and signs of public utility companies indicating danger and aids to service or safety.

D. House numbers.

E. "No tresspassing", "no parking", and similar warning signs.

F. Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs.

G. Signs on licensed commercial vehicles, provided such vehicles are not used or intended for use as portable signs.

H. Signs which are not intended to be viewed from public streets and are not legible therefrom nor from adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks, and similar uses of a recreational or entertainment nature.

I. Signs in support of political candidates may not exceed ten (10) days after Election Day.

SECTION 66.004 - NONCONFORMING SIGNS

Any sign or advertising structure which shall become non-conforming due to the provisions of this Code, may be continued as any other non-conforming use. Any changes in the sign, other than minor changes needed to protect public health and safety, shall be permitted only if they bring the sign closer to conformity with the provisions of this Article.

SECTION 66.005 - GENERAL SIGN STANDARDS

The following provisions shall apply to the erection and maintenance of all signs:

A. Safety

1. No signs or advertising structures shall be permitted within any road right-of-way.

2. Any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal or which makes use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic shall be prohibited.

B. Maintenance - All signs and advertising structures shall be maintained in a neat, legible, and orderly condition. In

the event that a use having signing is discontinued for a period exceeding six (6) months, all signs identifying the use and associated structures are to be removed from the site, or in the case of painted signs, painted out.

E. Illumination - Illuminated signs are to be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign or internal to it, in such a manner as to prevent glare and annoyance to the public. Signs containing or any moving, flashing, blinking, or intermittent illuminated light or component, except for time and temperature displays and barber poles, are to be prohibited, where they are visible from any street or highway.

SECTION 66.006 - MEASUREMENT OF SIGN AREA

For the purpose of evaluating whether a sign is in conformity with the provisions of this Code, the area of a sign is to be measured as the number of square feet of the smallest rectangle within which a single sign face can be enclosed, as follows:

A. Sign Faces Counted - Where a sign has two faces containing sign copy which are oriented back-to-back, the area of the sign is to be measured using one sign face only if the two faces are of equal area, or if the faces are of different size, only the area of the larger face shall be measured.

B. Wall-Mounted Letters - Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is to be measured as the number of square feet for the smallest rectangle within which all the letters can be enclosed.

C. Three-Dimensional Signs - Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects, or sculptural or statue-type trademarks, the sign area is to be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

SECTION 66.007 - PERMITTED SIGNS

Signs are permitted in the locations indicated in the Table "Permitted Sign Location and Size", provided that they do not exceed the maximum size areas indicated in the table and provided that they satisfy the requirements of Subsections A through E of this section and of Section 66.005. For purposes of convenience, the table is listed separately, however, it is a part of the Land Development Code and all references to the Code include it. Signs classified as exempt signs by Section 66.003 shall be permitted in all zones.

A. Directional signs shall offer direction and orientation to the location of facilities on the premises, provided such signs are located on the subject property.

B. Identification signs may be used to indicate the name, address, nature, operation, or permitted home occupation of the premises on which it is located.

C. Signs offering premises for sale or rent or notices of vacancy shall be posted on the subject lot or on a building thereon by the owner or his authorized agent. In residential zones, no more than one (1) such sign shall be posted for each street frontage. In commercial zones, no more than one (1) sign shall be posted for each unit.

D. Window and A-frame signs may be posted in industrial zones to advertise sale of products available from the premises, provided:

1. Such products are available and located on subject property;

2. Total area of such signs shall not exceed twenty-five percent (25%) of the window area; and

3. Such signs shall be affixed to the interior window surface.

E. Temporary Signs

1. Such signs may be placed within any required yard provided said signs are not located nearer to any property line than five (5) feet to any property line.

2. Such signs which denote the architect, engineer, owner and contractor, may be placed upon the site of any building or structure under construction, alteration, or in the process of being located, provided that such signs be no more than twenty (20) square feet in area and that they shall be removed from the premises upon completion of construction, alteration, or relocation of the building or structure.

3. Temporary signs shall meet all requirements of the Uniform Sign Code.

PERMITTED SIGN LOCATION AND SIZE (SQUARE FEET)
(Part of Section 66.007)

ZONES

SIGN	Residential					Commercial						Industrial		Agricultural	
	NR R-5	RS R-1	RL RCR	RM	PUD RH	CN	CC	CG	CR	CT	CH	CR IL	IH	ALL AG & F	Zones
Directional Signs	-	-	-	-	-	10	20	20	20	20	20	20	20	-	-
Identification Signs	6	6	6	6	36	80	100	300	50	300	300	100	100	50	50
Name Plates	1	1	1	1	-	-	3	3	-	3	3	3	3	3	3
Signs offering premises for sale or rent, or notice of vacancy	6	6	4	4	36	6	6	20	-	6	6	6	6	6	6

SECTION 66.008 - HEIGHT LIMITATIONS

The height of any sign or sign support structure is to be a maximum of twenty-five (25) feet above the average ground elevation beneath the sign, or no higher than the building or structure which is located on the same premises as the sign, whichever is less, except as follows:

A. A freeway oriented sign may be increased by no more than ten (10) feet than would otherwise be permitted.

B. Community identity signs that identify a community, its civic, fraternal, and religious organizations, or its slogan or motto, shall not exceed a height of twenty (20) feet above the average ground elevation beneath the sign.

ARTICLE 67 - ARCHAELOGICAL RESOURCES

SECTION 67.001 - ARCHAELOGICAL RESOURCES

When an application is submitted for a land use change on lots at any known cultural area or archaelogical resource within the area of known cultural or archaelogical resources, the Historic Landmark Commission shall be notified. In the event that archaelogical resources are unearthed or discovered during any construction activities, the following standards apply:

A. Notification shall be made to the Planning Department and consideration shall be halted up to two (2) working days after notification while a determination is made of the resource location, quantity, quality, and significance under OAR 660-016-000 requirements. If no determination is made within two (2) days, the operator or contractor is encouraged to proceed the matter forward.

B. If the resource is determined to be significant (1-C) construction shall be further halted until the extent and location of discovered materials may be recorded, and disposition of artifacts may be accomplished in accordance with State and Federal law. It is not the intent of the County to be more restrictive than applicable State or Federal statutes.

C. In the event that archaelogical resources are found to include human remains, or in any other case when any such remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department so that proper disposition of the remains may be accomplished.

D. In the event that archaelogical resources are found within the former Klamath Reservation, the County Planning Department, Tribal Council, and the Historic Landmark Commission will be notified. If no response is received on the two working days it may be assumed the work is insignificant and work may continue.

E. In the event a significant archaelological site is discovered and further study is warranted, and in the event a contractual issues between operator and Historic Landmark Commission, the Board of County Commissioners may intervene and establish a suitable evaluation time period.

The two-day work stoppage is meant to provide a balance for activities to be properly viewed for preliminary review and yet not unduly restrict the project operator.

ARTICLE 68 - PARKING AND LOADING

SECTION 68.001 - OFF STREET PARKING SPACES AND LOADING FACILITIES

No parking or loading area or parking spaces provided for the purpose of complying with the provisions of this Code shall hereafter be eliminated, reduced or converted in any manner below the requirements established in this Code, unless equivalent facilities are provided elsewhere in conformity with the provisions of this Article.

A. Eligibility of Street Parking Spaces - Parking Spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.

B. Computation Rule for More than One Use in a Structure - In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.

C. Shared Parking Facilities - Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provide that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.

D. Computation Rule for Fractions - If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half (½) or more, an additional space shall be required; if such fraction is less than one-half (½) it may be disregarded.

E. Computation Rule Based on Number of Employees - When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaging in the specified activity on the lot during the largest shift of the peak season.

F. Computation Rule Based on Number of Seats - When the parking requirement is based on the number of seats, each 20 inches of pews or similar facilities shall be counted as one seat.

G. Computation Rule Based on Number of Students - When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.

H. Nonspecified Number of Parking Spaces - When a required number of parking spaces is not specified for a particular use or facility, the Planning Director shall prescribe a number of parking spaces or loading berths based on a determination of the traffic generation of the activity, the amount or frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the appeal procedures commencing as defined in Article 33.

SECTION 68.002 - REQUIRED OFF-STREET PARKING SPACES

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this Code. Standards for number of required parking spaces are presented in the Table of Off-Street Parking Requirements which is listed separately. The table is a part of the Land Development Code and all references to this Code include it.

SECTION 68.003 - PARKING FACILITIES FOR THE PHYSICALLY HANDICAPPED

Public accommodations or facilities, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, shopping centers, and office buildings shall provide one parking space for the physically handicapped for each fifty (50) spaces in parking lots of twenty (20) or more spaces and post on such space a permanent sign in accordance with the Manual of Traffic Control Devices (Federal Highway Administration). Furthermore, handicapped spaces are to be located nearest to the main pedestrian access point from the parking area to the building or use served by the parking.

SECTION 68.004 - REQUIRED LOADING FACILITIES

The following provisions shall apply to all loading facilities:

A. The minimum area required for loading spaces shall be no less than two hundred fifty (250) square feet each where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.

B. The minimum area required for loading spaces shall be not less than five hundred (500) square feet each where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.

C. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each where the gross floor area of all buildings on a lot or parcel of land exceeds fifty (50,000) square feet.

D. The minimum required loading area shall be not less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.

E. The required loading area shall be easily accessible from a street, highway or area.

SECTION 68.005 - PARKING DESIGN STANDARDS

All off-street parking areas are to be designed and improved as set forth in this Section.

A. Parking space dimensions - All off-street automobile parking spaces are to be a minimum of nine (9) feet by twenty (20) feet in size.

TABLE OF OFF-STREET PARKING REQUIREMENTS
(Part of Section 68.802)

USE TYPE	RESIDENT OR EMPLOYEE PARKING	VISITOR OR USER PARKING
Residential		
Permanent Family	2 for each dwelling unit, plus	
Group	1 for each guest room; for dormitories, 1 for each 100 square feet of floor area	
Mobile Home	2 for each trailer site	1 for each 2 trailer sites
Group Quarters	1 for each 2 employees	
Rest Homes	1 for each 2 employees	1 for each resident
Clinic		
Administrative Services	1 for each 2 employees, plus 1 for each company vehicle	1 for each 400 sq. ft. of gross floor area
Ambulance Services	1 for each 2 employees OR	4 for the first 5,000 sq. ft. of floor area and 1 for each 2,000 sq. ft. of gross floor area thereafter, whichever is greater
Clinic Services	1 for each 2 employees	5 for each staff or regular visiting doctor
Community Education		
Nursery Schools	1 for each 2 employees	
Primary and Secondary Education		2 per classroom and such additional parking as required for places of public assembly
Colleges and Universities		1 for each 5 full time students; 1 for each full time faculty
Community Recreation		1 for each 3 fixed seats and 1 for each 21 sq. ft. of seating area where there are no fixed seats

Table of Off-Street Parking Requirements (Continued)

USE TYPE	RESIDENT OR EMPLOYEE PARKING	VISITOR OR USER PARKING
Civic (Continued)		
Cultural Exhibits and Library	1 for each 2 employees	1 for each 600 sq. ft. in gross floor area
Essential Services	none	none
Extensive Impact Services		
Airport	1 for each 2 employees	1 for each 3 departing passengers based on average travel day
Amusement Park/ Fairground	1 for each 4 employees	1 for each 75 sq. ft. of exhibit and amusement area
Auditoriums	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 75 sq. ft. of seating area no containing fixed seats
Bus Terminal	1 for each 2 employees	1 for each 10 departing passengers based on average travel day
Hospital		1 1/2 for each patient bed
Public Utility Facilities	1 for each 2 employees and 1 for each company vehicle	
Rail Station	1 for each 2 employees	1 for each 10 departing passengers based on average travel day
Sports Arena/Stadium	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 75 sq. ft. of seating area not containing fixed seats
Postal Services	1 for each 2 employees and 1 for each company vehicle	1 for each 100 sq. ft. of customer service area
Religious Assembly		1 for each 29 fixed seats or 1 for each 450 sq. ft. of gross floor area, whichever is greater

Table of Off-Street Parking Requirements (Continued)

USE TYPE	RESIDENT OR EMPLOYEE PARKING	VISITOR OR USER PARKING
Commercial		
Administrative and Professional Offices	1 for each 2 employees	1 for each 450 sq. ft. of gross floor area
Agricultural Supplies and Services	1 for each 300 sq. ft. of ground floor area, 1 for each 600 sq. ft. of other floors, 1 for each 500 sq. ft. of covered accessory storage area, plus one for each 1,000 sq. ft. of outdoor sales area	
Animal Sales and Services	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Automotive & Equipment: Repairs, Heavy	1 for each 2 employees OR	1 for each 300 sq. ft. of gross floor area, whichever is greater
Repairs, Light	1 for each company vehicle and one for each 2 employees	1 for each 100 sq. ft. of auto service area
Farm Equipment	1 for each 2 employees OR	1 for each 600 sq. ft. of gross floor area, whichever is greater
Sales/Rental, Heavy	1 for each 200 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 300 sq. ft. of covered accessory storage area, plus 1 for each 2,000 sq. ft. of outdoor sales area	
Sales/Rental, Light	1 for each 2 persons employed	1 for each 500 sq. ft. of showroom area plus 1 for each 10 vehicles displayed (or stored)
Building Maintenance	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Business Equipment Sales/Service	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Business Support	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Communications	1 for each 200 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 300 sq. ft. of covered accessory storage area, plus 1 for each 2,000 sq. ft. of outdoor sales area	

Table of Off-Street Parking Requirements (Continued)

Construction, Sales/Services	1 for each 2 employees and 1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Eating and Drinking Establishments	1 for each 2 employees	1 for each three fixed seats and 1 for each 21 sq. ft. of seating area where there are no fixed seats
Financial, Insurance, Real Estate	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Food & Beverage Retail Sales	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Funeral and Interment Services	1 for each 2 employees, plus 1 for each company vehicle	1 for each 4 seats in all assembly rooms
Gasoline Sales	1 for each 2 employees	
Laundry Services	1 for each 2 employees plus 1 for each company vehicle	
Medical Services	1 for each employee or physician	1 for each 150 sq. ft. of gross floor area
Participant Sports and Recreation		
Golf Courses		Ten per hole, one for each 21 sq. ft. of building floor area used for public assembly and 1 for each 400 sq. ft. of building floor area for other commercial purposes
Bowling Alleys	1 for each employee	Three for each bowling lane
Skating Rinks, Ice or Roller		1 for each three fixed seat, 1 for each 21 sq. ft. of seating area where there are no fixed seats, and 1 for each 250 sq. ft. of floor area used for seating
Swimming Pool	1 for each 2 employees	1 for each 1,000 sq. ft. of area
Tennis Courts	1 for each 2 employees	1 per court

Table of Off-Street Parking Requirements (Continued)

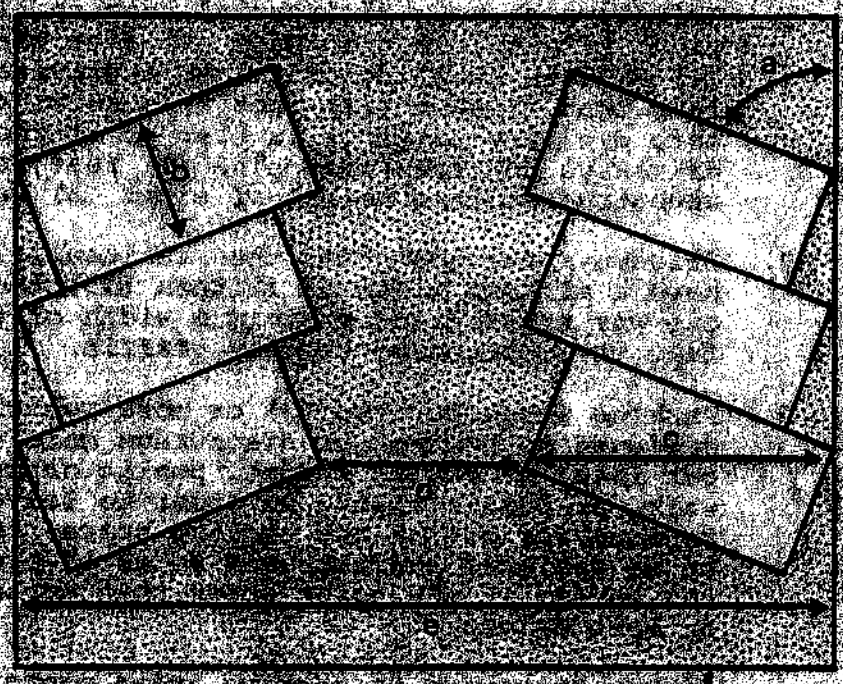
USE TYPE	RESIDENT OR EMPLOYEE PARKING	VISITOR OR USER PARKING
Commercial (Continued)		
Personal Services		
Beauty & Barber Shops	1 for each 2 employees	2 per chair
Personal Service Shops	1 for each employee	1 for each 300 sq. ft. of gross floor area
Trade Schools, Business or Private	1 for each employee	1 for each 500 fixed seats or 1 for each 100 sq. ft. of floor area used for assembly and not containing fixed seats, whichever is greater
Repair Services		1 for each 300 sq. ft. of gross floor area
Research Services	1 for each 2 employees	1 for each 500 sq. ft. of gross floor area, if greater than 1 for each 2 employees
Retail Sales	1 for each employee	1 for each 300 sq. ft. of gross floor area
Scrap Operations	1 for each employee and 1 for each company vehicle	1 for each 1,000 sq. ft. of gross use area for the first 10,000 sq. ft. and 1 for each 3,000 sq. ft. of gross exterior area thereafter
Spectator Sports and Entertainment	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 21 sq. ft. of seating area not containing fixed seats
Transient Habitation		
Hotels	1 for each employee	1 for each 2 guest rooms
Motels	1 for the manager and 1 for each employee	1 for each guest room
Wholesaling, Storage and Distribution	1 for each employee and 1 for each vehicle used in connection with the use	1 for each 800 sq. ft. of gross floor area

Table of Off-Street Parking Requirements (Continued)

USE TYPE	RESIDENT OR EMPLOYEE PARKING		VISITOR OR USER PARKING
Industrial			
Custom	1 for each 2 employees	OR	4 for the first 5,000 sq. ft. of floor area, 1 for each additional 2,000 sq. ft. of floor area, whichever is greater
Light	1 for each 2 employees		1 for each 1,000 sq. ft. of gross floor area
Heavy	1 for each 2 employees	OR	4 for the first 5,000 sq. ft. of gross floor area and 1 for each 2,000 sq. ft. thereafter whichever is greater
Agricultural			
Animal Waste Processing; Packing and Processing	1 for each 2 employees	OR	4 for the first 5,000 sq. ft. of gross floor area and 1 for each additional 2,000 sq. ft. of floor area, whichever is greater
Other			
Extractive	No improved parking is required, provided that sufficient open area is available to accommodate all employee and visitor vehicles entirely on the site.		

B. Aisle Dimensions

The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.



Angle (a)	Space Width (b)	Space to Curb (c)	Aisle[1] (d)	Tier Width[2] (e)
0°-45°	9'-0"	13'-0"	16'-0"	64'-0"
	10'-0"	20'-0"	14'-0"	54'-0"
46°-60°	9'-0"	20'-0"	18'-0"	58'-0"
	10'-0"	20'-0"	16'-0"	57'-4"
61°-90°	9'-0"	18'-0"	24'-0"	64'-0"
	10'-0"	18'-0"	22'-0"	58'-0"

1. Aisle widths for 45° and 60° spaces are one way only.

2. Tier means two rows of parking spaces plus an aisle. Tier width may not add up to aisle width plus two times the space to curb distance in the chart above because additional tier width may be required for safety precautions.

2. Space dimensions for parallel parking are to be nine (9) by twenty-two (22) feet. Aisle dimensions for parallel parking are to be twelve (12) feet for one-way aisles, and twenty-four (24) feet for two-way aisles.

C. Parking Area Access

1. Driveways serving residential uses shall have a minimum width of not less than nine (9) feet when serving four (4) or less dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu of thereof, two (2) separate driveways not less than nine (9) feet in width and unobstructed to a height of eight (8) feet.

2. Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.

3. Parking areas for two (2) or more vehicles are to be designed to prevent or discourage cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots are to be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.

4. Access driveways to parking areas containing four (4) or more spaces are to be located and designed as follows:

   a. Parking area entrance and exit driveways are to be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel land of the intersecting street.

   b. Entrance and exit driveways crossing the street property line of a single site are to be limited to two (2) along the frontage of any single street. The centerline of driveways on the same property are to be separated by a minimum of thirty (30) feet.

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

1. Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garages or carports are permitted.

2. Required parking facilities for uses other than residential shall be located as follows:

a. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve, except that for industrial uses required parking shall not be located in a required front or side yard abutting a public street.

b. On a lot or parcel of land under joint ownership or control when such off-street parking or loading facilities are located adjacent to the use or uses served.

c. On a lot or parcel of land separated only by an alley from the lot or parcel of land on which the use or uses served are located, provided:

(1) That said lots or parcels or land are in the same or joint ownership and separated only by an alley; or

(2) That direct vehicular access between said lots or parcels of land would be possible in the event the alley is vacated; or

(3) That said parcels of land are in close proximity to the actual use or uses served.

d. Required loading facilities shall be located on the same lot or parcel of land as the uses served.

E. Drop-off Points Required - When located outside central business districts, parking areas for public assembly facilities are to include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off areas are to permit the vehicle through lanes located outside of normal travel lanes. Drop-off points are to be provided for:

1. Hotels and motels;

2. Schools with 50 or more students;

3. Churches with a capacity of 100 or more;

4. Restaurants with a capacity of 50 or more customers;

5. Public transportation terminals;

6. Places of public assembly;

7. Public buildings; and

8. Offices larger than 5,000 feet.

SECTION 68.006 - PARKING LOT CONSTRUCTION

All parking areas containing three (3) or more off-street parking spaces are to be improved as follows, except as otherwise provided by this section:

A. Surfacing - All parking areas are to be surfaced with an asphalt, concrete, chip seal, or crushed rock gravel surface. Where concrete or asphalt are required, brick or other masonry paving units may be substituted including vertically-oriented concrete block.

B. Lining and Marking - Parking spaces in paved parking areas are to be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.

C. Wheel Stops - Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. Wheel stops are to be constructed as follows:

1. Wheel stops are to be constructed of durable material not less than six (6) inches in height. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

2. Wheel stops or other vehicle barriers less than two (2) feet in height are to be located no closer than three (3) feet to any property line.

D. Vertical Clearance - Covered parking spaces are to have a vertical clearance of at least seven feet six inches (7'6") above the parking lot surface for all uses except residential.

E. Slope - The finished grade of a parking lot is not to exceed five percent (5%) slope.

F. Landscaping - A minimum of five percent (5%) of the interior of all parking lots with twenty (20) or more spaces is to be landscaped, in addition to any perimeter landscaping required by Subsection G of this section.

G. Screening

1. Parking lots which abut a residential use or residential zone are to be separated from such property by a landscaping strip with a minimum width of five (5) feet, or six (6) foot high solid fence or wall, located on the residential side of the landscaping strip.

2. Parking lots abutting a public street are to be separated from the street right-of-way by a landscaping strip with a minimum width of four (4) feet.

ARTICLE 69 - FIRE SAFETY

SECTION 69.001 - PURPOSE

The purpose of this article is to provide for fire prevention and protection in order to minimize hazards to life and property.

SECTION 69.002 - APPLICATION

The requirements of this chapter shall apply to all land use actions requiring Board of Commissioners, Planning Commission, Hearings Officer, and Land Partitioning Review Board review procedures under this Code when the property involved is located in an area of medium, high or extreme fire danger as shown on the Klamath County Planning Department's Wildfire Hazard Rating Map.

SECTION 69.003 - NOTICE

Notice of review procedures as outlined in Section 69.002 shall be sent to the Oregon Department of Forestry or the affected national forest and to the Fire Protection District, if any, within which the property is located. The notice shall describe the proposed development and shall solicit recommendations for any fire protection measures and alternatives which may be deemed necessary.

SECTION 69.004 - REVIEW AND APPROVAL

In approving applications for development in fire hazard areas as defined in Section 69.002, the review authority shall incorporate the suggested fire protection measures as conditions of approval.

SECTION 69.005 - ACCESS IN FIRE HAZARD AREAS

All subdivisions proposed for areas identified as having a a high or extreme fire hazard on the Wildfire Hazard Rating Map available at the Klamath County Planning Department shall be designed to provide two or more dedicated access roads for separate, multiple ingress and egress.

SECTION 69.006 - FIRE PROTECTION, POLICE PROTECTION AND SCHOOLS

Proposed development plans will be reviewed by the appropriate Fire District Office, Sheriff's Department and the Superintendent of Schools to assess the development impact of the proposal on the existing facilities and services and future plans of these agencies.

CHAPTER 7

PUBLIC WORKS DEPARTMENT

SITE DESIGN AND DEVELOPMENT STANDARDS

ARTICLE 70 - BASIC PROVISIONS

SECTION 70.001 - PURPOSE

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

SECTION 70.002 - APPLICATION

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

SECTION 70.003 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

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

SECTION 70.004 - IMPROVEMENT PROCEDURES

The improvements required by this chapter shall conform to the requirements of this Code, the Department of Public Works Standard Drawings, Appendix "A", as it may be revised, and other improvement standards adopted by the county and shall be in accordance with the following procedures:

A. Work shall not be commenced until the plans and specifications have been reviewed for adequacy and approved by the County Engineer and appropriate State agencies. To the extent necessary for evaluation of the partition or subdivision proposal, the plans and specifications shall be required before approval of the final map or plat;

B. Work shall not be commenced until the County Engineer has been notified; and

C. Required improvements shall be constructed in accordance with specifications as set forth by the County Engineer and inspected for conformance. The county may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest. Any similar changes initiated by the developer must be reviewed with and approved by the County Engineer.

SECTION 70.005 - STANDARDS PROVIDED

This chapter provides standards for the following:

A. Vehicular Access and Circulation

B. Curbs, Gutters and Sidewalds

C. Street Names, Numbers and Signs

D. Site Drainage and Grading

E. Water Service

F. Sewer Service

G. Utilities

H. Solid Waste

ARTICLE 71 - VEHICULAR ACCESS AND CIRCULATION

SECTION 71.001 - PURPOSE

The purpose of these standards is to ensure safe ingress and egress to and from properties; to minimize street congestion and traffic hazards; to provide safe and convenient access to business, public services, and places of public assembly; and to make the appearance of vehicular circulation more compatible with surrounding land uses.

SECTION 71.002 - ACCESS STANDARDS FOR PROPOSED SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT

A. County Engineer Approval - Access to property fronting upon a county or public road shall be subject to the approval of the County Engineer.

B. Vehicular Access - Vehicular access shall be provided to all lots from a dedicated street. Developments fronting on an arterial may be required to provide a frontage or service road.

C. State Highway Division Approval - Access to property fronting upon a state highway shall be subject to the approval of the State Highway Division.

SECTION 71.003 - CIRCULATION PLAN

A. A future circulation plan shall be filed in conjunction with applications for all major partitions and for all subdivisions. The plan shall show the internal circulation pattern of the development and its relationship to the surrounding circulation system, including internal circulation of adjacent existing and future development.

B. The Land Partition Review Board and the Planning Commission shall have the authority to adopt Circulation Plans, which accompany applications for land divisions.

C. The circulation plan shall be submitted in a graphic format which conforms as to size, quality of drawing material, and graphic standards with that of either the tentative plan or preliminary plat which it accompanies.

SECTION 71.004 - FILING OF CIRCULATION PLAN

Upon adoption of the Land Partition Review Board or the Planning Commission, the circulation plan shall be made a matter of record by indexing and filing said plan in the Planning Department and the Public Works Department.

SECTION 71.005 - REVISION OF FUTURE CIRCULATION PLAN

The Circulation Plan may be adopted by action of the Land Partition Review Board or Planning Commission in conjunction with approving a land division, or by the Board of Commissioners in conjunction with the revision of a Comprehensive Plan.

SECTION 71.006 - GENERAL ROADWAY DESIGN CRITERIA AND STANDARDS

The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All street improvements shall be designed and constructed in accordance with the Department of Public Works Standard Drawings, Appendix A, as it may be revised.

SECTION 71.007 - MINIMUM RIGHT-OF-WAY AND ROADWAY IMPROVEMENT WIDTHS

Unless otherwise indicated on an official circulation plan, the minimum width of rights-of-way and roadway improvements shall be in compliance with the following:

A. Freeways - In accordance with the standards and specifications of the State Division of Highways;

B. Major Highways - A right-of-way width of one hundred (100) feet with improvements in accordance with the standards and specifications of this Code;

C. Arterials - A right-of-way width of eighty (80) feet with improvements in accordance with the standards and specificatons of this Code;

D. Collector Street - A right-of-way width of sixty (60) feet with improvements in accordance with the standards of this Code;

E. Local Streets - A right-of-way width of sixty (60) feet with improvements in accordance with the standards of this Code;

F. Cul-de-sac Streets - A right-of-way width of not less than sixty (60) feet with improvements in accordance with the standards of this Code; and

G. Alleys - A right-of-way width of not less than twenty (20) feet with improvements in accordance with standards and specifications of this Code.

H. When necessary for street construction on a side hill situation, the right-of-way needs shall be expanded as necessary.

SECTION 71.008 - INTERSECTION VISIBILITY - CORNER CUTBACK AREAS

A. The corner cutback area is a reserved open space to ensure adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets and alleys. The corner cutback area for corner lots or parcels at street intersections shall have a minimum of 25-foot legs along each street, and for alley-street or driveway-street intersections, the corner cutback area shall have legs of a minimum of 10 feet along both alley or driveway and street. Vision clearance shall not be required at a height of ten feet or more above the curb level or ten feet six inches above the shoulder of a street that does not have a curb, or below two feet and six inches of height above a street curb or shoulder. This section shall not be construed as waiving or altering any yard requirements that may be required by any other provision of this Code.

B. Within the corner cutback area, the following provisions apply:

   1. No buildings or structures including solid fencing and landscaping that would constitute a visual obstruction shall be permitted.

C. Where other provisions in this Code permit buildings or structures, contrary to the size and type permitted by Subsection B above, the provisions of Subsection B shall prevail.

SECTION 71.009 - ROADWAY IMPROVEMENTS IN URBAN AREAS

The following roadway improvements shall be required for development in urban areas and shall be provided at the expense of the developer:

A. Development within an Urban Growth Boundary consisting of lots containing 20,000 square feet or less shall be improved with curbs, gutters, sidewalks, and paved roadways a minimum width of thirty-six (36) feet.

B. Development within an Urban Growth Boundary consisting of lots containing a minimum of 20,001 square feet and not more than 43,559 square feet shall be improved with curbs, gutters and paved roadways a minimum width of thirty-six (36) feet.

C. Development within an Urban Growth Boundary consisting of lots containing 43,559 square feet or more shall be improved with paved roadways a minimum width of twenty-four (24) feet with four (4) foot wide gravel shoulders on each side of the pavement and shall included adequate drainage facilities as required by the County Engineer.

D. All rights-of-way shall be cleared between the catch points of the cuts or fills of the approved cross section. In densely wooded areas the entire right-of-way shall be cleared of all flammable brush, dead limbs, logs and stumps outside of slope limits to the full width of the right-of-way.

SECTION 71.010 - ROADWAY IMPROVEMENTS IN RURAL AREAS

The following roadway improvements shall be required for development in rural areas and shall be provided at the expense of the developer:

A. Development in a rural area consisting of lots containing 5.00 acres or less shall be improved with graveled roadways a minimum width of thirty-two (32) feet and shall include adequate drainage facilities as required by the County Engineer.

B. Development in the rural area consisting of lots containing more than 5.00 acres shall have roadways of not less than thirty-two (32) feet in width with a traveled way of twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders.

C. All rights-of-way shall be cleared between the catch points of the cuts or fills of the approved road cross sections. In densely wooded areas the entire right-of-way shall be cleared of all flammable brush, dead limbs, logs and stumps outside the slope limits to the full width of the right-of-way.

SECTION 71.011 - ROADWAY ALIGNMENT

All streets, as far as practical, shall be in alignment with existing streets by prolongation of the centerline or by connection with suitable curves. The offsetting alignments resulting in "T" intersections shall, where practical, provide minimum distance of two hundred (200) feet between points of intersections when having approximately the same direction and otherwise shall not be less than one hundred (100) feet in separation.

SECTION 71.012 - ROADWAY INTERSECTION ANGLES

Streets shall be laid out so as to intersect at any angle as near to a right angle as practical, except where topography requires a lesser angle, but in no case less than sixty (60) degrees unless there is special intersection design. Streets shall have at least fifty (50) feet of tangent adjacent to the intersection. Streets which intersect at an angle of 70° or less shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with collector or arterial streets shall have a corner radius of not less than twenty (20) feet.

SECTION 71.013 - ROADWAY GRADES AND CURVES

Grades shall not exceed six percent (6%) on major or arterial streets, ten percent (10%) on collector streets, and twelve percent (12%) on all other streets. Centerline radii of curves shall be not less than three hundred (300) feet on major or arterial streets, two hundred (200) feet on collector streets, and one hundred (100) feet on all other streets.

SECTION 71.014 - CUL-DE-SACS

In urban areas, a cul-de-dac shall be not more than five hundred (500) feet long or serve more than eighteen (18) single-family dwellings. In rural areas, a cul-de-sac shall not be more than one thousand (1000) feet long. All cul-de-sacs shall terminate with a circular turnaround having a minimum right-of-way radius of not less than fifth (50) feet. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

SECTION 71.015 - EXISTING STREETS

Whenever existing streets, wither adjacent to or within the development, are of inadequate width, the additional necessary right-of-way within the development boundary shall be provided at the time of the land division.

SECTION 71.016 - RESERVE STRIPS

Reserve strips or street plugs dedicated to Klamath County and controlling the access to a street may be required when necessary to:

A. Prevent access to the street on the side where additional width is required to meet the minimum right-of-way standards;

B. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or

C. Prevent the uncontrolled development of land.

SECTION 71.017 - FUTURE EXTENSIONS OF STREETS

When necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the development and the resulting deadend street may be approved without a turnaround. Reserve strips and street plugs may be required to insure the objectives of street extensions.

SECTION 71.018 - HALF STREETS

Half streets, while generally not acceptable, may be approved where essential for reasonable development when in conformity with the requirements of this Code and when possible to require the dedication of the other half when the adjoining property is developed. Whenever an existing half street is adjacent to land to be developed, the remaining half of the street shall be dedicated within such development. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.

SECTION 71.019 - STREETS ADJACENT TO RAILROAD RIGHT-OF-WAY

Wherever a proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

SECTION 71.020 - MARGINAL ACCESS STREETS

Where a development abuts or contains an existing or proposed arterial street, marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reserved area along the rear of side property line, or other treatment necessary for adequate protection of residential properties and for separation of through and local traffic may be required.

SECTION 71.021 - ALLEYS

Alleys may be provided in commercial and industrial zones.

SECTION 71.022 - BLOCKS

A. General - The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of topographic conditions.

B. Sizes - In urban subdivisions, blocks shall not exceed one thousand two hundred sixty (1,260) feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is two thousand six hundred forty (2,640) feet. In rural subdivisions, blocks shall not exceed two thousand six hundred forty (2,640) feet in length or as required by this Code.

SECTION 71.023 - DRIVEWAY OR ACCESS PERMITS

Prior to the construction of any driveway or road which connects with a public or county road, or state highway, a driveway permit shall be obtained from the Department of Public Works or State Highway Department. Such permit shall be issued subject to the conditions specified therein.

SECTION 71.024 - UTILITIES IN STREETS RIGHTS-OF-WAY

Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider or partitioner shall be constructed prior to the surfacing of the streets in a predetermined location approved by the County Engineer. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length that will obviate the necessity of street cuts when service connections are made.

SECTION 71.025 - PERIMETER FENCING FOR SUBDIVISIONS ABUTTING AGRICULTURAL AND FORESTRY LANDS

In order to maintain Agricultural and Forestry activities, perimeter fencing may be required where subdivisions or PUD's (Planned Unit Development) abut any agricultural or forestry planned or zoned areas. If determined necessary by the Planning Commission, the applicant shall be responsible for fencing prior to final plat approval. Such fencing shall be of such quality as to provide for adequate prtoection.

ARTICLE 71A - CURBS, GUTTERS, AND SIDEWALKS

SECTION 71.001A - PEDESTRIAN WAYS

When necessary for public convenience and safety, pedestrian ways ten (10) feet in width to permit access to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, recreation, or other public or private areas may be required. Pedestrian ways shall be of such design and location as reasonably required to facilitate pedestrian travel and shall be dedicated to the public.

SECTION 71.002A - CURBS, GUTTERS, AND SIDEWALKS

Development shall include installation of curb, gutters, and sidewalks as set forth in this article.

SECTION 71.003A - REQUIREMENTS FOR URBAN AREAS

A. Development within the urban area shall be improved with curbs, gutters and sidewalks in accordance with this Code.

B. Sidewalks not less than five (5) feet in width shall be constructed in all dedicated pedestrian ways, and along streets where determined necessary for pedestrian safety.

SECTION 71.004A - DESIGN AND CONSTRUCTION STANDARDS

Curb, gutter and sidewalk improvements are to be designed and constructed in accordance with standards established in the Department of Public Works Standard Drawings, Appendix A, as it may be revised. All necessary grading and construction is to occur at the expense of the developer.

ARTICLE 71B - STREET NAMES, NUMBERS AND SIGNS

SECTION 71.001B - STREET NAMES AND NUMBERS

Except for extensions of existing streets, no street name shall be used which will duplicate or resemble the names of existing streets in Klamath County. Street names and numbers shall conform to the established pattern in the surrounding area and if near a city, to the pattern in the city, and shall be subject to the approval of the Public Works Department.

SECTION 71.002B - STREET SIGNS

The developer shall deposit with the County funds determined by the County Engineer to be sufficient to cover both the cost of street signs and installation. The street signs shall then be installed by the County or to County standards.

ARTICLE 72 - SITE DRAINAGE AND GRADING

SECTION 72.001 - PURPOSE

Standards for site drainage and grading provide for the design of projects so as to minimize the harmful effects of storm water runoff and resultant inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new development.

SECTION 72.002 - DRAINAGE AND GRADING PLAN REQUIREMENTS

Drainage and Grading plans may be required for any new development excluding Forestry, Agriculture and mining, which:

A. Involves a land disturbance through grading on lands consisting of average slopes in excess of 25 percent;

B. Involves a land disturbance through either grading or paving amounting to more than 40,000 square feet;

C. Will result in an impervious surface of more than 20,000 square feet;

D. Is subject to local ponding due to soil conditions and lack of identified drainage channels; or

E. Is located in an area identified by the County Engineer as having a history of flooding, which may be further aggravated by the project or is within a flood hazard area.

SECTION 72.003 - DRAINAGE AND GRADING PLAN PREPARATION

Drainage and grading plans are to be neatly and accurately drawn, at an appropriate scale which will enable ready identification and recognition of submitted information. The County Engineer may require drainage and grading plans to be prepared by a Registered Civil Engineer.

A. Basic Drainage and Grading Plan Contents - A drainage and grading plan is to include the following information about the site:

1. Flow lines of surface waters onto and off the site.

2. Existing and proposed contours at 2' intervals.

3. Building corner and street elevations, existing and proposed.

4. Existing and proposed retaining walls.

5. Existing and proposed drainage channels including drainage swales, ditches and berms.

6. Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains, and drop inlets.

7. Estimates of existing and increased runoff resulting from the proposed improvements.

B. Engineered Drainage and Grading Plan Content - Engineered drainage and grading plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by Subsection A of this Section.

SECTION 72.004 - DRAINAGE AND GRADING PLAN REVIEW AND APPROVAL

The County Engineer will review each drainage and grading plan for adequacy. Drainage and grading plans shall be approved by the County Engineer, where required, to assure that the project will not result in inundation and erosion on the site nor create any drainage or grading problems for neighboring or downstream properties.

SECTION 72.005 - INSPECTION AND COMPLETION

Where required by the County Engineer, an Inspection Agreement is to be entered into and the drainage facilities inspected and approved prior to approval of the final inspection for a building permit.

SECTION 72.006 - DRAINAGE SYSTEM STANDARDS

Drainage systems and facilities subject to drainage and grading plan review and approval are to be designed and constructed as required by the County Engineer.

ARTICLE 73 - URBAN AREA SERVICE STANDARDS

SECTION 73.001 - WATER SERVICE

Subdivisions within urban areas shall be served by a central public domestic water supply system or by a central private domestic water supply corporation which has been approved by the County Health Services Department or the Oregon Health Division and County Engineer as adequate to provide for the health and sanitation needs of the area. Private water supply systems shall conform to the service standards of the preferred provider. The establishment of fire hydrants, where existing water facilities permit, will be required for fire protection and shall meet rating bureau standards.

SECTION 73.002 - SEWER SERVICE

Subdivisions within urban areas shall be served by a public sewage disposal system or by a private sewage service district or corporation which has been approved by the Department of Environmental Quality as adequate to provide for the health and sanitation needs of the area. Sewer systems must be installed in accordance with the requirements of both federal and state agencies including the Department of Environmental Quality and must conform to service standards of the preferred provider.

SECTION 73.003 - OTHER REQUIRED SERVICES

A. Drainage - Development shall meet the drainage and grading plan requirements of Article 72 and the curb and gutter requirements of Article 71A.

B. Fire Protection - Development shall be included within a fire protection district with responsibility for structural fire.

C. Road Standards - Development shall comply with the road standards of Article 71.

D. Electrical Service - Development shall include provisions for electrical service by the public utility serving the area.

SECTION 73.004 - SERVICE WITHIN WATER OR SEWER DISTRICT

In addition to the requirements specified above, development within a water or sewer service district shall be required to meet the requirements of the preferred provider with respect to provisions of service.

ARTICLE 74 - RURAL AREA SERVICE STANDARDS

SECTION 74.001 - WATER SERVICE

Subdivisions in rural areas may utilize either a central water supply system or individual wells at the option of the developer. If a central water system is to be provided, it must be inspected and approved by the County Health Services Department and the County Engineer prior to the issuance of any building permits. If a central water system is not to be provided, concurrent with the submission of a preliminary plat, the developer must submit a written hydrology report, prepared by a registered engineer, documenting the quantity and quality of water in the vicinity based on the general history of wells in the area.

SECTION 74.002 - SEWER SERVICE

Subdivisions in rural areas may utilize either a central sanitary sewer system or septic tanks at the option of the developer. If a central sewer system is to be provided, it shall be designed and installed in accordance with the requirements of both federal and state agencies, including the Department of Environmental Quality. If individual septic systems are to be used, concurrent with the submission of a preliminary plat, the developer must provide evidence of positive site evaluation from a representative sample of test holes.

SECTION 74.003 - OTHER REQUIRED SERVICES

A. Drainage - Development shall meet the drainage and grading requirements of Article 72.

B. Fire Protection - Development shall comply with the fire protection requirements of Article 69. Subdivisions shall be located within a fire protection district prior to final plat approval.

C. Road Standards - Development shall comply with the road standards of Article 71.

D. Electrical Service - Subdivisions shall include provisions for electrical service by the public utility serving the area.

SECTION 74.003 - SERVICE WITHIN WATER OR SEWER DISTRICT

In addition to the requirements specified above, development within a water or sewer service district shall be required to meet the requirements of the district with respect to the provision of service.

ARTICLE 75 - UTILITIES

SECTION 75.001 - UTILITIES IN URBAN AREAS

Within urban areas, all development, except individual single-family dwellings on existing lots, is encouraged to have all on-site public utility service connections installed underground. This standard applies to electrical service connections between the power company distribution lines and all proposed buildings on a site, and on-site connections between buildings, but does not apply to the public utility distribution service to the edge of the lot, except in an underground utility district.

SECTION 75.002 - UTILITIES IN RURAL AREAS

On-site public utility service connections in rural areas shall be installed in accordance with the appropriate utility service standards district.

SECTION 75.003 - UTILITY EASEMENTS

Easements for sewers, storm drainage, water mains, electric lines or other public utilities shall be dedicated wherever necessary. Easements shall be a minimum of sixteen (16) feet in width and centered on rear or side lot lines except for tie-back easements which shall be six (6) feet wide by twenty (20) feet long along side lot lines at change of direction points of easements.

ARTICLE 76 - SOLID WASTE

SECTION 76.001 - SOLID WASTE COLLECTION AND DISPOSAL

Within urban areas, except single-family dwellings, temporary uses, agricultural uses, and other uses which do not create a need for solid waste pickup and disposal, an enclosed area for the temporary collection of solid waste prior to disposal truck pickup is to be provided, as required by this Article.

SECTION 76.002 - COLLECTION AREA STANDARDS

A. Location of Collection Facilities - The solid waste collection area is to be located within one hundred (100) feet of the dwellings or buildings served, but is not to be located in any front yard setback.

B. Enclosure Required - Solid waste collection areas which utilize dumpsters or other containers with a total capacity greater than two (2) thirty-three (33) gallon containers are to be screened from the view of public streets and adjoining properties by a solid fence or wall as high as the collection container, but not less than three (3) feet nor more than six (6) feet in height.

C. Enclosure Construction Standards

1. The floor or bottom surface of a solid waste collection area is to be of concrete or other impervious material.

2. The collection area is to have unobstructed vertical clearance for a minimum height of twenty-five (25) feet.

CHAPTER 8

SPECIAL USE STANDARDS

ARTICLE 80 - BASIC PROVISIONS

SECTION 80.001 - PURPOSE

The purpose of this chapter is to establish overlying zones for supplementary property development standards and limitations for special land uses, which have been identified because of particular characteristics. These characteristics, whether valuable resources, hazards, or special uses, must be carefully regulated in terms of all development proposals.

SECTION 80.002 - APPLICATION

The standards in this chapter relate to the special characteristics of the uses identified in Section 80.003 and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Code. In the event that the standards contained in this chapter differ from other applicable standards of this Code, the more stringent standards shall prevail.

SECTION 80.003 - STANDARDS PROVIDED

This chapter prescribes standards for uses, location, design, and operation of the following special uses:

A. Mineral and Aggregate Standards
B. Density Transfer
C. Significant Resource Area
D. Mobile Homes
E. Home Occupations

ARTICLE 81 - MINERAL AND AGGREGATE EXTRACTION STANDARDS

SECTION 81.001 - GENERAL STANDARDS

The mineral or aggregate extraction standards shall be applied only to lands meeting the following standards:

A. The land will be used as a site for mineral or aggregate extraction on a temporary basis until the resource is depleted; and

B. Mineral or aggregate extraction operations and reclamation shall be conducted in accordance with all applicable provisions of State Law.

SECTION 81.002 - PROCEDURE

The application of the Mineral Extraction standards shall be accomplished by a Conditional Use Permit as provided in Chapter 4, Article 44 of this Code.

SECTION 81.003 - REVIEW CRITERIA

In addition to the general review criteria given in Section 44.003, the following findings must be made for mineral extraction permits:

A. That the site will be operated in accordance with applicable state and/or federal statutes.

B. That the proposed access can accommodate the increased volume of traffic to be generated.

C. That the proposed access can safely handle the type of increased traffic flow which will accompany the development without significantly endangering the public health, safety, or welfare.

D. That an adequate water supply is available to the site. (For dust control, required landscaping, reclamation, etc).

E. That blasting which may be necessary will not damage existing structures or facilities.

SECTION 81.004 - CONDITIONS

In addition to the general conditions listed in Section 44.004F, the following conditions may be imposed upon a finding that additional restrictions are warranted:

A. An increase or decrease of required setbacks.

B. Limiting the manner in which the use is conducted:

1. Restraints to minimize noise, vibration and blasting, air pollution, glare, odor, dust, etc.

2. Limitations on lighting (i.e., location, intensity, possible shielding).

3. Other restrictions deemed necessary by findings of fact.

C. Visual screening emphasizing the use of native plants, berms or fences.

D. Access roads treated to reduce dust.

E. Additional access roads which circumvent residential areas.

F. Off-site stockpiling or processing.

G. Air, water or reclamation standards exceeding those required by state or federal law if justified by findings of fact.

H. Limiting the height, size, or location of buildings or structures.

I. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

SECTION 81.005 - SIGNIFICANT POTENTIAL MINERAL OR AGGREGATE SITES

When a potential site has been designated as a 1C significant site and a decision made to protect the resource by the County, the applicant, per Ordinance, can mine the site. Before mining can begin, the applicant shall apply for a hearing before the Hearings Officer. At hearing, the Hearings Officer shall determine which, if any, conditions will be placed on the mining operations pursuant to Article 81 and Section 81.004 of this Article.

ARTICLE 82 - DENSITY TRANSFER

SECTION 82.001 - GENERAL STANDARDS

The Density Transfer shall be applied only to lands which have at least one of the following development constraints: Significant Resource, Airport Hazard, Airport Noise, Flood Hazard.

SECTION 82.002 - DESIGN STANDARDS

The following site design standards shall apply to lands utilizing this provision:

A. Lot Area - The lot area shall be no less than 1 acre in size.

B. Density - The number of residential units or lots may not exceed that permitted by the basic zone.

C. All proposed land divisions are subject to either the land partition or subdivision review procedure.

SECTION 82.003 - REVIEW CRITERIA

The Density Transfer shall be granted only if the reviewing authority finds that the following criteria are satisfied, as well as all other criteria and standards of this Code:

A. If subject property is in an agriculture zone, the criteria in Sections 51.017, Subsections D and E shall be satisfied.

B. If subject property has an overlying development constraint, the review criteria of each applicable constraint shall be satisfied, i.e., Flood Hazard, Airport Hazard.

SECTION 82.004 - REVIEW PROCEDURE

The application of the Density Transfer to lands within Klamath County shall be accomplished by a Conditional Use Permit as provided in Chapter 4.

ARTICLE 83 - SIGNIFICANT RESOURCE AREA

SECTION 83.001 - GENERAL PROVISIONS

The Significant Resource Overlay shall be applied to those areas designated on the official Klamath County Planning Department "Significant Goal 5 Resources" map. The Oregon Forest Practices may, by State law, supersede this overlay in forestry areas.

SECTION 83.002 - PURPOSE

The purpose of the Significant Resource Overlay is to conserve significant open space, scenic and historic areas, and natural areas in Klamath County; to protect an important environmental, social, energy, and economic element of the area; and to permit development compatible with the protection of the significant open space, scenic and historic areas, and natural resources.

SECTION 83.003 - REVIEW CRITERIA

If a proposed land use change falls within an identified "Significant Resource Area," or if a permitted use in the underlying zone is listed as a conflicting use in Section 83.012, the applicant shall, prior to review by the appropriate reviewing body, be encouraged to meet with the agency having responsibility for the resource in order to:

A. Identify the type and extent of resources involved;

B. Determine the exact location of the resource; and

C. Discuss possible development and management plans that would allow for both resource preservation and development to occur.

D. If the responsible agency and the applicant cannot agree on a management plan which would allow for both resource preservation and development, the following findings of fact, if applicable to the disagreement, must be made:

1. The resource or site must be disturbed to provide for reasonable use of the site, and if not disturbed, the applicant would be substantially damaged.

2. The use proposed will directly benefit the community and satisfies a substantial public need or provides for a public good which clearly outweighs retention of the resource.

3. The proposed development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity,

or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.

4. The public benefit due to the development of the particular site would be maximized when compared to development of similar properties in the area not possessing a unique site or resource.

5. The identified site or resource cannot be physically developed for an energy source or has a low potential for an energy development based upon an evaluation of environmental, social, and economic factors.

6. The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the resource area on or adjacent to the site.

7. In big game winter ranges the cumulative effect of the proposed land use change and other development in the area must be consistent with the maintenance of long term big game habitat values.

If, in the opinion of the agency having statutory responsibility or an agency listed on the Agency/Resource list, the resource is not on the applicant's property, or that the development proposal will not impact the resource, the standards in this section shall not apply.

SECTION 83.004 - PERMITTED USES

Uses permitted shall be those permitted by the underlying zone with which the Significant Resource Overlay is combined unless said permitted uses are listed as conflicting uses in Section 83.012. If permitted uses are defined as conflicting uses, they shall fall under the Review Criteria of Section 83.003.

SECTION 83.005 - CONDITIONAL USES

Conditional uses permitted shall be those permitted conditionally by the underlying zone with which the Significant Resource Overlay is combined.

If a permitted use in the underlying zone is listed as a conflicting use in Section 83.012, it shall become a conditional use subject to Article 44 and Section 83.006 of this Code unless the Planning Director finds, after consultation with the Oregon Department of Fish and Wildlife or other appropriate agency, that the proposed use will have no substantial negative impact on the resource due to the acceptable management plan or to the nature of the proposed use.

SECTION 83.006 - LIMITATIONS ON CONDITIONAL USES

The following limitations shall apply to a conditional use in a Significant Resource Overlay:

A. The reviewing body may limit changes in the natural grade of land, or the alteration, removal, or destruction of natural vegetation in order to prevent or minimize erosion, pollution, or degradation of the significant natural resource.

B. An application for a conditional use shall be denied if, in the opinion of the reviewing body, the proposed use would be detrimental to the natural feature or resources of the area.

   1. The proposed use must pose a permanent and irreversible detriment to the resource in question.

   2. Based on the best information available, the proposed use would be detrimental to the natural feature or resources of the area.

C. Findings in Section 83.003 D must also be made.

SECTION 83.007 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - Minimum lot size shall be as established in the underlying zone with which the Significant Resource Overlay is combined, with the following exceptions:

   1. Minimum parcel size and density in low and medium deer winter ranges shall not exceed one unit per 80 acres or one unit per 40 acres if development is clustered.

   2. Minimum parcel size and density in high density deer winter ranges, and in the antelope range north of Bly shall not exceed one unit per 160 acres or one unit per 80 acres if development is clustered.

   3. If, in the opinion of the Oregon Department of Fish and Wildlife, development at a higher density would not adversely affect the resource, the minimum lot size may be reduced. A site plan addressing structure, density, and seasonal use shall be required.

   4. In no case shall these exceptions allow a smaller lot size than allowed by the underlying zone.

B. Lot Size and Shape - Standards contained in Chapter 6, Article 61 shall apply, with the following exception:

   1. Residential development (i.e., subdivisions) on lots in medium and high density deer winter ranges shall be a cluster or planned development and shall comply with standards and requirements contained in

Article 52, Sections 52.001 D and E, Concept and Development Plan Standards.

C. Building Setbacks and Yards - Standards contained in Chapter 6, Article 62 shall apply, with the following exceptions:

1. Riparian setbacks as indicated in Section 62.007 - Riparian Setback Standards; and

2. Lots or parcels which abut a significant mineral resource site (active or potential) may be required to establish setbacks in excess of those required in the zone in which the lot or parcel is located. The required setback shall be determined by the Planning Director after meeting with the applicant and the owner of the mineral resource land to ensure sight and sound screening between present and future uses on the properties.

D. Building Heights - See Chapter 6, Article 63.

E. Distance Between Buildings - As provided by the Uniform Building Code.

F. Fences, Hedges and Walls - See Chapter 6, Article 64.

G. Signs - See Chapter 6, Article 66.

H. Access - See Chapter 7, Article 71.

I. Parking - See Chapter 6, Article 68.

J. Landscaping - See Chapter 6, Article 65.

SECTION 83.008 - APPLICATION OF SITE DESIGN AND DEVELOPMENT STANDARDS

In addition to the standards and conditions set forth in this overlay, the reviewing body may impose the following conditions upon a finding of fact that warrants such additional restrictions:

A. Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor.

B. Establishing a special yard, other open space or lot area or dimension.

C. Limiting the height, size or location of a building or other structure.

D. Designating the size, number, location and nature of vehicle access points.

E. Increasing the required street dedication, roadway width or improvements within the street right-of-way.

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.

G. Limiting or otherwise designating the number, size, location, height and lighting of signs.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

I. Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

J. Designating the size, height, location and materials for a fence.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

SECTION 83.009 - STATE OR FEDERAL THREATENED AND ENDANGERED SPECIES

Developments which occur in areas which may disturb species (plant or animal) listed by the U.S. Fish and Wildlife Service as threatened or endangered shall comply with appropriate State and Federal laws and regulations.

The review criteria as outlined in Section 83.003 shall be followed when dealing with threatened or endangered species.

SECTION 83.010 - COMPATIBILITY SITING CRITERIA FOR BIG GAME WINTER RANGE AREAS

A. Two homes clustered with a distance between dwellings not exceeding 200 feet shall count as one dwelling unit.

B. In general, new structures shall be located as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure).

C. Structures shall share a common access road wherever possible.

D. Where it is impractical to share a common access road, the dwelling should be located as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest existing public road.

E. When residential uses in conjunction with resource uses are proposed which would exceed densities allowed in big game winter ranges or would differ from other standards

of this section, development may be allowed if the site plan is approved by the Oregon Department of Fish and Wildlife, or if those findings required by Section 83.003 D can be made.

SECTION 83.011 - HISTORIC BUILDINGS AND SITES

This section shall apply to those buildings and sites designated as significant, 1C sites in adopted inventory data. Said buildings and sites are hereby declared historical buildings and sites and are subject to the terms of this section.

A. Exterior Remodeling or Alteration - The Building official shall submit to the Planning Director or his designee all building permit requests for exterior alteration to a historical building. The Planning Director shall, within five working days, and after consultation with appropriate agencies or experts, review the permit application for compliance with the requirements as set out in Section 83.011 B.

1. If the Planning Director finds the proposed alterations to be in compliance with Section B, he shall submit to the Building Department a "clearance for Permit" which will indicate that the requirements of this chapter have been satisfied by the request.

2. If the Planning Director finds the proposed alterations to be in noncompliance with the requirements of Section B, the applicant must apply for a Conditional Use Permit as provided for under Article 44 of this Code. Notification shall include notification of the Historic Landmark Commission or any other person or agency considered an expert in the field. If the reviewing body finds the proposed alteration to be in noncompliance they must, (1) approve the application subject to compliance with conditions which will bring the application into conformance with Section B; (2) deny the application; and (3) provide the applicant with information concerning local, state, and federal preservation programs.

B. Guidelines for the Exterior Alteration of a Historic Building - The Planning Director or Hearings Officer generally shall approve an application if the change of the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building and shall generally disapprove any application if found detrimental as unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, and the educational and historical value of the building. The following guidelines apply to exterior alterations to historical buildings:

1. Retention of original construction - So far as practicable, all original exterior materials and details shall be preserved.

2. Height - Additional stories may be added to historic buildings provided that:

   a. The added height complies with requirements of the building and zoning codes.

   b. The added height does not exceed that which was traditional for the style of the building.

   c. The added height does not alter the traditional scale and proportions of the building style.

   d. The added height is visually compatible with adjacent historic buildings.

3. Bulk - Horizontal additions may be added to historic buildings provided that:

   a. The bulk of the addition does not exceed that which was traditional for the building style.

   b. The addition maintains the traditional scale and proportion of the building style.

   c. The addition is visually compatible with adjacent historic buildings.

4. Visual Integrity of Structure - The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

5. Scale and Proportion - The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.

6. Materials, Color, and Texture - The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.

7. Signs, Lighting, and Other Appurtenances - Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural characteroof the historic building.

C. <u>Demolition or New Construction</u> -

1. All requests for demolition of a historic building or new development on historical sites shall be reviewed by the Planning Director or his designee

after consultation with the Historic Landmark Commission or other appropriate authorities. The Planning Director or his designee shall have five days in which to review the application considering the following criteria.

a. The degree to which the building conforms to the Uniform Building Code or is structurally safe for proposed uses.

b. The cost of bringing a building to conform to the Uniform Building Code.

c. The cost to the applicant of restoration versus demolition.

d. The local, regional, and national significance of the building or site.

e. The uniqueness of the building or site.

f. That the building must be demolished or the site developed to provide for reasonable use of the property.

g. That development of a historical site will not detract from the historical value of the site.

h. That the proposed development is in character to a reasonable degree with the historical significance of the site.

2. If the Planning Director or his designee decides that he cannot make an objective ministerial decision, he may refer the application to the Hearings Officer for review of a Conditional Use Permit as provided by Article 44. The Hearings Officer must also address the criteria numbered 1-a through 1-h above and any other factors considered essential to a reasonable decision. The Historic Landmark Commission or other experts in the field shall be notified of the hearing. The reviewing body may approve, conditionally approve, or deny the application.

3. Exception: If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other act of God, a demolition permit may be approved by the Building Official without processing the request through the Historic Landmarks Committee.

4. The powers herein granted shall in no case be exercised so as to impose upon any property owner any peculiar or undue hardship, nor shall such powers

be so exercised as to prevent the removal or demolition of any structure which cannot be economically maintained or restored, giving due consideration to all potential uses to which the same might reasonably be put upon restoration by a private property owner.

SECTION 83.012 - LIST OF CONFLICTING USES

A. MINERAL AND AGGREGATE RESOURCES

1. Residential uses
2. Loss of air, water, or land resources quality
3. Disturbance or destruction of wildlife habitat or natural habitat
4. Increased traffic

B. FISH AND WILDLIFE

1. Removal of vegetation
2. Removal of shelter or food source
3. Drainage projects, filling wetlands, and clearing of riparian vegetation
4. Intensification of land use beyond normal forestry and agricultural uses (loss of habitat to non-resource use)
5. Human disturbance

C. BIG GAME RANGES

1. Vehicular access and resulting human disturbance
2. Subdivision and resulting human activity including the impacts of domestic dogs
3. Population density greater than recommended maximums

D. BEAR VALLEY EAGLE REFUGE

Within the core area and primary buffer (Refuge boundary):

1. Uncontrolled logging
2. Residential development
3. Permanent structures
4. Road construction
5. Human activity during the roost period (Nov.-March)
6. Mining
7. Use of chemicals adversely affecting eagles

Within the secondary buffer area:

1. Residential density greater than 1 unit per 20 acres

Within the flyway:

1. Electrical transmission lines and distribution lines which are not designed to protect raptors from electrocution
2. Subdivision density greater than 1 unit per 20 acres

E. NATURAL AREAS

1. Roadway access
2. Grazing
3. Logging
4. Some fire protection methods

F. WETLANDS AND SURFACE WATER

1. Developments that require occupation of water surface areas
2. Channelization
3. Removal of shoreline vegetation
4. Alteration of natural streambanks
5. Filling into or removal from natural waterways
6. Point or non-point pollution
7. Commercial, industrial, or residential uses
8. Water impoundment

G. HISTORICAL AND ARCHAEOLIGCAL SITES

1. Destruction, removal, or covering of site or building
2. Major exterior alteration
3. Development of a historical site or district which destroys the historical integrity of the site

H. GROUNDWATER RESOURCES

1. Development in areas where the aquifer may be depleted
2. Contamination of the aquifer
3. Infiltration of excessive irrigation water which may increase the salinity of the aquifer

I. ENERGY SOURCES

1. Depletion of the resource
2. Pollution of the resource
3. Loss of air, water, or land resources quality
4. Loss of solar access due to construction
5. Negative aesthetic impacts

J. UPLAND GAMEBIRDS

1. Loss of habitat to non-resource uses
2. Human disturbance

K. NEST SITES

1. Any type of human disturbance during the critical period
2. Habitat destruction

L. BALD EAGLE NEST SITES AND TREE NESTING GOLDEN EAGLE NEST SITES

1. Commercial, residential, or industrial development
2. Permanent structures
3. Use of chemicals which negatively impact eagles or their habitat
4. Logging during the critical period
5. Mining and road construction
6. Human impact during the critical period

M. SHIPSEY/THOMAS PROPERTY

(Township 40, Range 8, W½ NE¼, SE¼ NE¼, E½ SE¼, and NW¼ SE¼ Section 18 and W½ SW¼ and SW¼ NW¼ of Section 17)

1. Residential density greater than 1 unit per 20 acres
2. Free roaming dogs
3. Human disturbance to wintering bald eagles and deer

N. GEOTHERMAL RESOURCES

1. Geothermal development without sufficient hot water and sufficient reservoir quantity
2. Depletion of geothermal reservoir
3. Pollution of surface water by improper disposal of spent geothermal fluid
4. Residential subdivisions not accessory or secondary to industrial and commercial uses with the exception of subdivisions located on lands zoned non-resource
5. Uses other than resource uses which do not utilize geothermal resources

ARTICLE 84 - MOBILE HOMES

SECTION 84.001 - STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS

Mobile homes shall be permitted in the zones identified in Chapter 5, provided they are constructed in accordance with the State Mobile Home Standards, and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement, and in accordance with the standards of this Code.

A. Lot Size - Mobile homes on individual lots shall satisfy the minimum lot size requirements established by the zone in which they are to be located in accordance with Chapter 5 of this Code.

B. Mobile Home Size and Facilities - Mobile homes shall meet the construction standards that are established by the State of Oregon, Department of Commerce, in accordance with Oregon Revised Statutes 446, and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement.

C. Residential Density - A maximum of one (1) mobile home shall be permitted on each lot. Mobile homes shall be placed on lots or parcels in accordance with the density requirements of the zone in which they are located, in accordance with Chapter 5 of this Code.

E. Mobile Home Standards Within the Klamath Falls Urban Growth Boundary - Mobile homes that are placed on individual lots or parcels within the Klamath Falls Urban Growth Boundary shall meet the following requirements:

1. Dwelling Units Permitted - Only those mobile homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance."

2. All such mobile homes shall be at least twenty (20) feet in width (which may include a tip-out) with exterior dimensions enclosing a space of not less than 800 square feet.

3. A mobile home of less than 800 square feet, but more than 500 square feet may be permitted subject to an administrative Variance and findings that the proposed siting will be compatible with the surrounding neighborhood.

SECTION 84.002 - STANDARDS FOR MOBILE HOME PARKS

Mobile home parks shall be permitted in the zones identified in Chapter 5 of this Code, provided that they are constructed in accordance with the State Mobile Home Administrative Rules and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement, and in accordance with the standards of this Code.

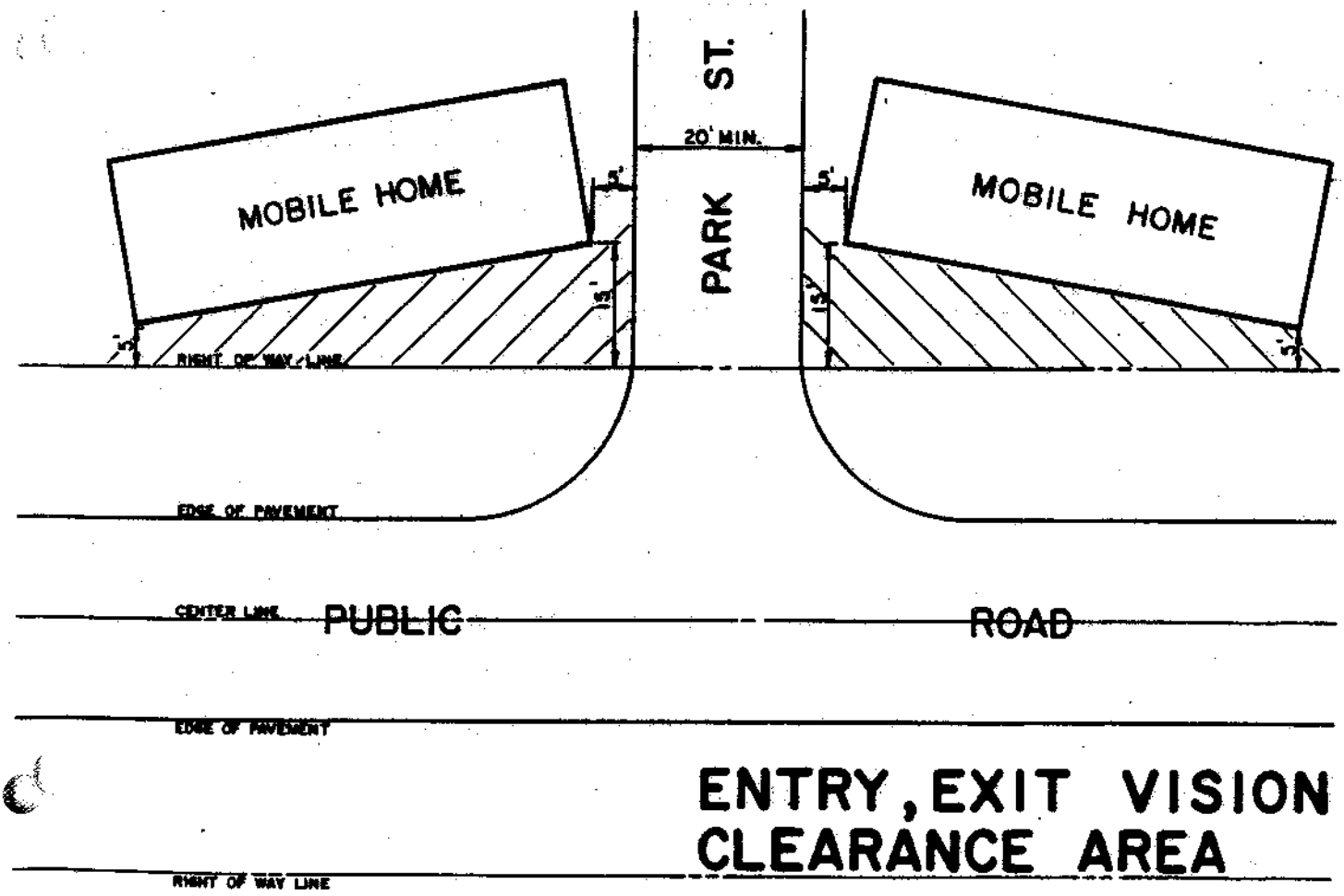
A. Lot Size - Mobile home parks shall be no less than two (2) acres in size.

B. Mobile Home Requirements - Each mobile home shall contain not less than three hundred fifty (350) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device. The mobile home shall meet the State Standards for mobile home construction and display the State of Oregon Department of Commerce insigne. The mobile home shall also be provided with a continuous skirting as required by Klamath County Ordinance Number 27, Mobile Home Placement.

C. Residential Density - No more than ten (10) mobile homes per acre shall be permitted in a mobile home park.

D. Yards - Mobile homes are to be setback from the property lines of the park as follows:

1. The first mobile home at an intersection of a mobile home park street must be set back 15 feet from any public street right-of-way, and a minimum of 5 feet from an entrance street, and a minimum of 5 feet from a property line. See diagram below:



ENTRY, EXIT VISION CLEARANCE AREA

2. Mobile homes shall be located so that the spacing between other mobile homes and buildings shall be in accordance with the State of Oregon Department of Commerce Rules, in accordance with Oregon Revised Statutes Chapter 446.

E. Coverage - In accordance with State Administrative Rules for mobile home park standards.

F. Height - No building or structure shall exceed thirty-five (35) feet in height.

G. Fences, Hedges and Walls - The land which is used for a mobile home park shall be surrounded by a sight-obscuring fence or hedge, except at entry exit vision clearance areas. The fence or hedge shall be maintained in neat appearance. Entrance and exit vision clearance areas are shown in the diagram of Subsection "D" Yards. No fences in these areas shall be constructed higher than three (3) feet.

H. Landscaping - Mobile home parks shall be landscaped as required in Article 65 of this Code.

I. Recreation Areas - In accordance with State Administrative Rules for mobile home park standards.

J. Access -

1. Primary vehicular access shall be provided from a dedicated street. Vehicular access to lots fronting on state highways or county or public roads shall be subject to the approval of the County Engineer or State Highway Division.

K. Storage - There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.

L. Signs - See Article 66 - Signs.

M. Facilities - In accordance with State Administrative Rules for mobile home park standards.

SECTION 84.003 - STANDARDS FOR MOBILE HOME SUBDIVISIONS

Mobile and modular home subdivisions shall be developed exclusively for the placement of mobile and modular home dwelling units only and accessory buildings. Mobile and modular home subdivisions shall be permitted in the zones identified in Chapter 5 of this Code.

A. Lot Size - Mobile and modular home subdivisionslots shall meet the standards of the appropriate zone in which it is located in accordance with Chapter 5 of this Code.

B. Mobile and Modular Home Requirements/Within Urban Growth Boundaries - The mobile and modular home shall be provided with a continuous skirting as required by the Klamath County Mobile Home Placement Ordinance Number 27. The mobile and modular home shall meet the State Standards for mobile home construction in accordance with Oregon Revised Statute Chapter 446.

Mobile and modular homes that are placed on lots in a subdivision that is located within an Urban Growth Boundary shall meet the following requirements:

1. Dwelling Units Permitted - Only those mobile homes and modular homes used as permanent residences which meet the H.U.D. Federal Mobile Home Safety Standards dated June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance."

2. All such mobile and modular homes shall have exterior dimensions enclosing a space of not less than 500 square feet.

3. The mobile and modular homes shall have siding materials similar to that presently used on houses constructed under the Uniform Building Code (UBC).

C. Residential Density - The lots provided in a mobile and modular home subdivision shall meet the density requirements of the zone in which the mobile home subdivision is in accordance with Chapter 5 of this Code.

D. Yards and Building Setbacks - The yards and building setbacks of mobile and modular homes and buildings within a mobile home subdivision shall comply with the requirements of Article 62 of this Code.

E. Height - No building or structure in a mobile home subdivision shall exceed thirty-five (35) feet in height.

F. Fences, Hedges and Walls - The mobile and modular homes on lots within a mobile and modular home subdivision shall comply with the requirements of Article 64 of this Code.

G. Public Works Department Site Development Standards - Mobile home subdivisions access and vehicular circulation facilities shall be developed in accordance with Chapter 7, Public Works Department Site Development Standards, of this Code. Mobile home subdivisions shall be developed to comply with the standards for: Curbs, Gutters and Sidewalks (Article 71A); Street Names, Numbers and Signs (Article 71B); Site Drainage and Grading (Article 72); Water Service (Article 73); Sewer Service (Article 73A); Utilities (Article 74); and Solid Waste (Article 75) of this Code.

H. Signs - Any signs constructed or erected in a mobile home subdivision shall comply with Article 66, Signs, of this Code.

SECTION 84.004 - MOBILE HOME SUBDIVISION/PLANNED UNIT DEVELOPMENT

Mobile home subdivisions may be developed in accordance with Article 86, Planned Unit Development, of this Code and in accordance with the density requirements of the underlying zone in accordance with Chapter 5 of this Code.

SECTION 84.005 - MOBILE HOME STORAGE

A mobile home may be temporarily stored on a lot or parcel subject to the following conditions:

A. The mobile home shall be subject to site plan review.

B. The mobile home shall not be stored for longer than three (3) months.

C. The mobile home shall meet the setbacks required by this Code.

D. The mobile home shall not be inhabited or connected to any utility service.

ARTICLE 85 - HOME OCCUPATIONS

SECTION 85.001 - PURPOSE

The purpose of these sections is to ensure that occupations conducted within one's own residence shall not be objectionable to the neighborhood in which it is located and shall maintain the residential character and appearance of both the dwelling and neighborhood.

SECTION 85.002 - WHERE PERMITTED

Home occupations shall be conditionally permitted in any zone that allows residential uses.

SECTION 85.003 - REVIEW AND PERMIT REQUIREMENTS

A. Site Plan Review - All proposals for home occupations shall be subject to site plan review, as described in Article 41.

B. Conditions for Home Occupations - Approval of home occupations shall be subject to the following findings:

1. That the occupation is conducted entirely within a dwelling or a permitted accessory building.

2. That the occupation is not the primary use and is operated by a resident of the property.

3. That the business will not employ more than five full or part-time persons.

4. That no equipment is used except such as may be used for purely domestic or household purposes.

5. That no more than twenty-five percent (25%) of the floor area of one story of the dwelling is devoted to such home occupation.

6. That the area of an accessory building used for a home occupation may not exceed fifty percent (50%) of the floor area of the residence.

7. That such occupation shall not require internal or external alterations, or involve construction features that change the principal character or use of the dwelling involved.

8. That only one (1) sign shall be permitted on the property, that siad sign shall not exceed six (6) square feet in the area, and shall not be lighted at night.

9. That adequate off-street parking shall be maintained; and

10. That any outdoor storage of materials be screened from view of the street by a sight-obscuring fence or hedge.

SECTION 85.004 - ANNUAL REVIEW

The Planning Director shall review a permit allowing a home occupation every twelve (12) months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this Article.

SECTION 85.005 - LIMITED HOME OCCUPATIONS

Limited home occupations shall be permitted in any zone that allows residential uses subject to the following limitations:

A. All aspects of the limited home occupation shall be conducted within the dwelling.

B. Only residents of the dwelling may be employed in the home occupation.

C. There shall be no outdoor storage of materials.

D. Not more than twenty-five percent (25%0 of the floor area of one story of the dwelling may be used.

E. No equipment is used except such as may be used for purely domestic or household purposes.

F. The occupation shall not require internal or external alterations, or involve construction features that change the principal character or use of the dwelling involved.

G. No sign shall be permitted other than a name plate not over three square feet in area.

CHAPTER 9

USE CLASSIFICATIONS

ARTICLE 90 - BASIC PROVISIONS

SECTION 90.001 - PURPOSE

The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Land Development Code.

SECTION 90.002 - LISTING OF USE CLASSIFICATIONS

All uses are hereby classified into the following use types, which are described in Section 100.001 through Section 100.002, inclusive. See Section 100.003 for classification of combinations of uses resembling different types.

A. Residential use types

Family residential
Group residential
Mobile home residential
Worker residential
Group care residential

B. Civic use types

Administrative services
Ambulance services
Clinic services
Community education
Community recreation
Cultural exhibits and library services
Essential services
Extensive impact services and utilities
Parking services
Postal services
Religious assembly
Public research area

C. Commercial use types

Administrative and professional services
Agricultural supplies and services
Animal sales and services: auctioning
Animal sales and services: grooming
Animal sales and services: horse keeping

Animal sales and services: kennels
Animal sales and services: veterinary (large animals)
Animal sales and services: veterinary (small animals)
Automotive and heavy equipment: cleaning
Automotive and heavy equipment: fleet storage
Automotive and heavy equipment: parking
Automotive and heavy equipment: repairs, heavy equipment
Automotive and heavy equipment: repairs, light equipment
Automotive and heavy equipment: sales/rentals, farm equipment
Automotive and heavy equipment: sales/rentals, light equipment
Automotive and heavy equipment: storage, nonoperating vehicles
Building maintenance services
Business equipment sales and services
Business support services
Communications services
Construction sales and services
Eating and drinking establishments
Explosive storage
Financial, insurance and real estate services
Food and beverage retail sales
Funeral and interment services: cremating
Funeral and interment services: undertaking
Gasoline sales
Laundry services
Medical services
Participant sports and recreation
Personal services
Repair services
Research services
Retail sales
Scrap operations
Spectator sports and entertainment
Transient habitation: campground
Transient habitation: lodging
Transient habitation: resort
Wholesaling, storage and distribution: light
Wholesaling, storage and distribution: heavy
Airport

D. Industrial use types

Custom manufacturing
General industrial
Heavy industrial

E. Agricultural use types

Horticulture: cultivation
Horticulture: storage
Tree crops

Row and field crops
Forestry
Animal raising: Small animals
Animal raising: Large animals
Animal raising: Specialty
Animal raising: Non domestic
Animal waste processing
Packing and processing
Primary processing of forest products

F. Extractive use types

Mineral extraction
Mineral exploration

G. Nonconforming Uses

H. Lots of Record

SECTION 90.003 - CLASSIFYING COMBINATIONS OF PRINCIPAL USES

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified as accessory uses.

A. Separate Classification of Several Establishments - The principal uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types.

B. Separate Classification of Different Major Categories of Uses Conducted by Individual Establishment - If the principal uses on a lot by an individual establishment, management, or institution appear to fit under two or more different categories or use types--in effect, Residential, Civic, Commercial, Industrial, Agricultural, or Extensive--the principal uses shall be classified under each appropriate category.

C. Classification of Different Uses Within Same Category of Use Types, Conducted by Individual Establishment - If principal uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types (see B above), all such principal uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one of the use types on the list. If the principal uses resemble more than one of the use types on the list, the uses shall be classified in the most appropriate use type, except that any commercial uses shall be classified within the scrap operations use type if they have any of its characteristics.

Animal sales and services: auctioning
Animal waste processing
Light industrial
Heavy industrial
Extensive impact services and utilities
Scrap operations
Wholesaling, storage and distribution: heavy
Mining and processing

SECTION 90.004 - CLASSIFYING USES

Uses will be classified into types based upon the description of the use types as contained in Section 90.001 through Section 96.003 inclusive, upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 90.003 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Planning Director. The Planning Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to Chapter 3, and if an appeal is taken the Director shall provide written findings supporting the classification.

ARTICLE 91 - RESIDENTIAL USE TYPES

SECTION 91.001 - GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES

Residential use types include the occupancy of living accommodations on a wholly primarily nontransient basis; including institutional living arrangements which provide 24-hour care to seven or more persons. They also include certain uses accessory to the above.

SECTION 91.002 - FAMILY RESIDENTIAL

The Family Residential use type refers to the residential occupancy of dwelling units other than mobile homes, by families on a weekly or longer basis. Typical uses include occupancy of single-family residences, duplexes, apartments, or condominiums.

SECTION 91.003 - GROUP RESIDENTIAL

The Group Residential use type refers to the residential occupancy of dwelling units by groups of more than five persons who are not related by blood, marriage or adoption, on a weekly or longer basis. Typical uses include cccupancy of sorority houses, retirement homes or boarding houses.

SECTION 91.004 - MOBILE HOME RESIDENTIAL

Mobile home residential refers to the residential occupancy of mobile homes by families on a weekly or longer basis. The following are home residential use types:

A. Mobile Home Residential: Individual - Mobile homes developed on individual lots.

B. Mobile Home Residential (Park): A group of mobile homes on lots developed as integrated spaces to be rented exclusively for mobile home placement.

C. Mobile Home Residential (Subdivision): A group of mobile or modular homes on integrated lots developed to be sold exclusively for mobile or modular placement.

SECTION 91.005 - WORKER RESIDENTIAL

The Worker Residential use type refers to the occupancy by employees and their families of any living accommodations, without regard to duration, which occurs exclusively in conjunction with the agricultural use types.

SECTION 91.006 - GROUP CARE RESIDENTIAL

The Group Care residential use type refers to services provided in residential facilities or in facilities authorized to provide day care services. Typical uses include halfway houses, intermediate care facilities, day nurseries, nursing homes, convalescent hospitals, foster care homes, and rest homes. The Group Care residential use type does not include hospitals, prisons, or other extensive impact services.

ARTICLE 92 - CIVIC USE TYPES

SECTION 92.001 - GENERAL DESCRIPTION OF CIVIC USE TYPES

Civic use types include the performance of utility, educational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above.

SECTION 92.002 - ADMINISTRATIVE SERVICES

The Administrative Services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary equipment and vehicles.

SECTION 92.003 - AMBULANCE SERVICES

The Ambulance Services use type refers to the transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

SECTION 92.004 - CLINIC SERVICES

The Clinic Services use type refers to providing non-profit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

SECTION 92.005 - COMMUNITY EDUCATION

The Community Education use type refers to educational services provided by public, private, and parochial elementary, junior high and senior high schools and junior colleges, but excludes colleges, universities, and trade schools.

SECTION 92.006 - COMMUNITY RECREATION

The Community Recreation use type refers to recreational, social or multi-purpose uses within buildings, owned and operated by a governmental agency or a non-profit community organization.

SECTION 92.007 - CULTURAL EXHIBITS AND LIBRARY SERVICES

The Cultural Exhibits and Library Services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

SECTION 92.008 - ESSENTIAL SERVICES

The Essential Services use type refers to services which are necessary to support principal development and involve only minor structures such as pipelines, powerlines, distribution feeders, and poles which are necessary to support principal development.

SECTION 92.009 - EXTENSIVE IMPACT SERVICES AND UTILITIES

The Extensive Impact Services and Utilities use type refers to public services and utilities which have substantial impact on surrounding land uses. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community-wide interest. Typical places or uses are sanitary landfills, airports, detention and correction institutions, fairgrounds, fire stations, parks, public sports arenas, vehicular raceways, microwave relay stations, or other communication structures, electrical transmission lines, substations, and electrical generation facilities.

SECTION 92.010 - PARKING SERVICES

The Parking Services use type refers to parking services involving garages and lots which are publicly-owned and operated.

SECTION 92.011 - POSTAL SERVICES - SUBSTATION FACILITIES

The Postal Services use type refers to mailing services, excluding major processing, as traditionally provided by the United States Postal Service.

SECTION 92.012 - RELIGIOUS ASSEMBLY

The Religious Facilities use type refers to religious services only involving public assembly such as customarily occurs in synagogues, temples, and churches. This use type does not include parochial schools.

SECTION 92.013 - PUBLIC RESEARCH AREA

Land and the appurtenant buildings operated by governmental, educational and other public or non-profit bodies dedicated to pure or applied scientific discovery in the fields of agriculture, wildlife management, forestry, geology, archaeology, ecology, astronomy, and the like.

ARTICLE 93 - COMMERCIAL USE TYPES

SECTION 93.001 - GENERAL DESCRIPTION OF COMMERCIAL USE TYPES

Commercial use types include the distribution and sale or rental of goods; and the provision of services other than those classified as Civic Uses. They also include certain uses accessory to the above.

SECTION 93.002 - ADMINISTRATIVE AND PROFESSIONAL SERVICES

The Administrative Professional Services use type refers to offices of private firms or organizations which are primarily used for professional, executive, management or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.

SECTION 93.003 - AGRICULTURAL SUPPLIES AND SERVICES

The Agricultural Supplies and Services use type refers to establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of feed grain, fertilizers, pesticides and similar goods as well as the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include feed and grain stores, crop dusting or tree service firms.

SECTION 93.004 - ANIMAL SALES AND SERVICES

Animal sales and services refers to establishments or places of business primarily engaged in animal-related sales and services. The following are animal sales and service use types:

A. Animal Sales and Services: Auctioning - Auctioning of livestock on a wholesale or retail basis with the incidental storage of animals produced off property. Typical uses include animal auctions or livestock aution yards.

B. Animal Sales and Services: Grooming - Grooming of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

C. Animal Sales and Services: Horse Keeping - Boarding, breeding or raising of horses not owned by the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables, riding arenas and trails.

D. Animal Sales and Services: Kennels - Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog training centers, or breeding establishments.

E. Animal Sales and Services: Stockyards - Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.

F. Animal Sales and Services: Veterinary (Large Animals) - Veterinary services for large animals. Typical uses include animal hospitals or veterinary hospitals.

G. Animal Sales and Services: Veterinary (Small Animals) - Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals.

SECTION 93.005 - AUTOMOTIVE AND HEAVY EQUIPMENT

Automotive and Heavy Equipment refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales and services. The following are automotive and heavy equipment use types:

A. Automotive and Equipment: Cleaning - Washing and polishing of automobiles. Typical uses include auto laundries or car washes.

B. Automotive and Equipment: Fleet Storage - Fleet storage of vehicles used regularly in business operations and not available for sale or long-term storage. Typical uses include taxi fleets, mobile-catering truck storage or auto storage garages.

C. Automotive and Equipment: Parking - Parking of motor vehicles on temporary basis within a privately-owned off-street parking with or without a fee. Typical uses include commercial parking lots or garages.

D. Automotive and Equipment: Repairs, Heavy Equipment - Repairs of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc., as well as the sale, installation and servicing of automobile equipment and parts together with body repairs, paining and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.

E. Automotive and Equipment: Repairs, Light Equipment - Repair of automobiles and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages or auto glass shops.

F. Automotive and Equipment: Sales/Rentals, Farm Equipment - Sales, retail or wholesale and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.

G. Automotive and Equipment: Sales/Rentals, Heavy Equipment - Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, or heavy construction equipment dealers.

H. Automotive and Equipment: Sales/Rentals, Light Equipment - Sales, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, or car rental agencies or recreational vehicles sales and rental agencies.

I. Automotive and Equipment: Storage, Nonoperating Vehicles - Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impoundment yards.

SECTION 93.006 - BUILDING MAINTENANCE SERVICES

The Building Maintenance Services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than those to individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

SECTION 93.007 - BUSINESS EQUIPMENT SALES AND SERVICE

The Business Equipment Sales and Service use type refers to establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine shops or hotel equipment and supply firms.

SECTION 93.008 - BUSINESS SUPPORT SERVICES

The Business Support Services use type refers to establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than to individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.

SECTION 93.009 - COMMUNICATIONS SERVICES

The Communications Services use type refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Extensive Impact Services and Utilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

G. Automotive and Equipment: Sales/Rentals, Heavy Equipment - Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, or heavy construction equipment dealers.

H. Automotive and Equipment: Sales/Rentals, Light Equipment - Sales, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, or car rental agencies or recreational vehicles sales and rental agencies.

I. Automotive and Equipment: Storage, Nonoperating Vehicles - Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impoundment yards.

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SECTION 93.010 - CONSTRUCTION SALES AND SERVICES

The Construction Sales and Services use type refers to establishments or places of business primarily engaged in construction activities and storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of pain, fixtures and hardware; but excludes those classified as one of the Automotive and Heavy Equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

SECTION 93.011 - EATING AND DRINKING ESTABLISHMENTS

The Eating and Drinking Establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical uses include restaurants, short-order eating places or bars.

SECTION 93.012 - EXPLOSIVE STORAGE

The Explosive Storage use type refers to the storage of any quantity of explosives having a power equal to or greater than that of ordinary black powder, excluding fixed ammunition for small arms. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

SECTION 93.013 - FINANCE, INSURANCE, AND REAL ESTATE SERVICES

The Finance, Insurance and Real Estate Services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies or real estate firms.

SECTION 93.014 - FOOD AND BEVERAGE RETAIL SALES

The Food and Beverage Retail Sales use type refers to establishments or places of business primarily engaged in the retail sales of food and beverages for home consumption. Typical uses include groceries, liquor stores or delicatessens.

SECTION 93.015 - FUNERAL AND INTERMENT SERVICES

Funeral and interment services refers to establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. The following are funeral and interment services use types:

A. Funeral and Interment Services: Cremating - Crematory services involving the purification and reduction of the human body by fire. Typical use include crematories or crematoriums.

B. Funeral and Interment Services: Interring - Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums, mausoleums, or cinerariums.

C. Funeral and Interment Services: Undertaking - Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

SECTION 93.016 - GASOLINE SALES

The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

SECTION 93.017 - LAUNDRY SERVICES

The Laundry Services use type refers to establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include laundry agencies, diaper services or linen supply services.

SECTION 93.018 - MEDICAL SERVICES

The Medical Services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

SECTION 93.019 - PARTICIPANT SPORTS AND RECREATION

The Participant Sports and Recreation use type refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. Participant sports and recreation use types include those uses conducted with an enclosed building, such as bowling alleys or billiard parlors, and those uses conducted in open facilities such as driving ranges, miniature golf courses, or hunting and fishing camps.

SECTION 93.020 - PERSONAL SERVICES

The Personal Services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature, but excludes services classified as Spectator Sport and Entertainment, Participant Sports and Recreation, or Transient Habitation. Typical uses include photography studios, driving schools or reducing salons.

SECTION 93.021 - REPAIR SERVICES

The Repair Services use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair shops, apparel repair firms, or instrument repair firms.

SECTION 93.022 - RESEARCH SERVICES

The Research Services use type refers to establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

SECTION 93.023 - RETAIL SALES

The Retail Sale use type refers to places of business primarily engaged in the sale of commonly used goods and merchandise, but excludes those classified as Agricultural Supplies and Services, Animal Sales and Services, Automobile and Equipment, Business Equipment Sales and Services, Construction Sales and Services, Food and Beverage Retail Sales and Gasoline Sales.

SECTION 93.024 - SCRAP OPERATIONS

The Scrap Operations use type refers to places of business primarily engaged in storage, dismantling or other processing of used or waste materials which are intended for re-use in their original form. Typical uses include junk yards or paper salvage yards.

SECTION 93.025 - SPECTATOR SPORTS AND ENTERTAINMENT

The Spectator Sports and Entertainment use type refers to establishments or places primarily engaged in the provision of cultural, entertainment, athletic and other events to spectators as well as those involving social or fraternal gatherings. Spectator sports and entertainment use types include those uses conducted both within open facilities or within an enclosed building. Typical uses include small theaters, meeting halls, large exhibition halls, or sports stadiums, but exclude those classified as Extensive Impact use types.

SECTION 93.026 - TRANSIENT HABITATION

Transient habitation refers to establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are transient habitation use types.

A. Transient Habitation: Campground - Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

B. Transient Habitation: Lodging - Lodging services involving the provision of room and/or board. Typical uses include motels and hotels.

C. Transient Habitation: Resort - Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, dude ranches, health spas, resort hotels and motels, and recreation camps.

SECTION 93.027 - WHOLESALING, STORAGE, AND DISTRIBUTION

Wholesaling, Storage and Distribution refers to establishments or places of business primarily engaged in wholesaling, storage, distribution and open-air handling of materials and equipment other than live animals and plants. The following are wholesaling, storage districution use types:

A. Wholesaling, Storage and Distribution: Light - Wholesaling, storage and warehouse services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, and mini-warehouses.

B. Wholesaling, Storage and Distribution: Heavy - Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, open storage yards, or petroleum storage facilities.

SECTION 93.028 - AIRPORT

The Airport use type refers to privately operated, commercial airports.

ARTICLE 94 - INDUSTRIAL USE TYPES

SECTION 94.001 - GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES

Industrial use types include the on-site production of goods by methods other than agricultural or extractive in nature. They also include certain uses accessory to the above.

SECTION 94.002 - CUSTOM MANUFACTURING

The Custom Manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools, domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacture.

SECTION 94.003 - GENERAL INDUSTRIAL

The General Industrial use type refers to industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and property.

SECTION 94.004 - HEAVY INDUSTRIAL

The Heavy Industrial use type refers to all other industrial plants such as processing of raw materials, pulp mills, malt plants, petroleum refining and explosive manufacturing.

ARTICLE 95 - AGRICULTURAL USE TYPES

SECTION 95.001 - GENERAL DESCRIPTION OF AGRICULTURAL USE TYPES

Agricultural use types include the on-site production of plant and animal products by agricultural and silvicultural methods. They also include certain uses accessory to the above.

SECTION 95.002 - HORTICULTURE

Horticulture refers to premises primarily devoted to horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. The following are horticulture use types:

A. Horticulture: Cultivation - Cultivation of plants for wholesale sales.

B. Horticulture: Storage - Storage of plants, primarily in containers, for wholesale sales.

SECTION 95.003 - TREE CROPS

The Tree Crops use type refers to premises primarily devoted to the cultivation for sale of tree-grown agricultural products such as apples, cherries and other fruits, including their storage, packing, and shipping.

SECTION 95.004 - ROW AND FIELD CROPS

The Row and Field Crops use type refers to premises primarily devoted to the cultivation for sale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers, including their storage, packing, and shipping.

SECTION 95.005 - FORESTRY

The Forestry use type refers to premises primarily devoted to the development, production and processing of forest products, as well as those related to forest uses including recreational. Typical uses include logging operations, watershed protection and wildlife habitat.

SECTION 95.006 - ANIMAL RAISING

Animal Raising refers to premises where animals are fed or kept for animal products, animal increase or value increase. The following are animal raising use types:

A. Animal Raising: Small Animals - Raising and keeping of small animals such as hamsters, poultry, rabbits, and turkeys.

B. Animal Raising: Large Animals - Raising and keeping of large animals such as cattle and sheep on such premises as dairies, feedlots, horse ranches or pig farms.

C. Animal Raising: Specialty - Raising and keeping of animals not including the above animals in Sections A and B, but including bees, fish, birds, amphibians, or insects.

D. Animal Raising: Non Domestic - Raising and keeping of game or dangerous animals such as cougar, bobcat, deer, and poisonous snakes.

SECTION 95.007 - ANIMAL WASTE PROCESSING

The Animal Waste Processing use type refers to the processing of animal waste or by-products, including but not limited to animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

SECTION 95.008 - PACKING AND PROCESSING

The Packing and Processing use type refers to packing of agricultural crops, animals and their by-products which entails more than picking, cutting, sorting, and boxing or crating and does include canning, rendering, tanning or reduction of meat. Typical uses include the packing or processing of crops, animals or their by-products regardless of where they were grown.

SECTION 95.009 - PRIMARY PROCESSING OF FOREST PRODUCTS

The primary processing of forest products includes the packing, storage and shipment of plant material collected on forest lands, and the manufacture, storage and shipment of wood products including dimension lumber, fenceposts, firewood, and wood chips or sawdust and the like. Primary processing does not include pulp and paper mills, plywood, particle board and hardboard manufacture, furniture making or other processes utilizing inputs other than raw materials of forest origin.

ARTICLE 96 - EXTRACTIVE USE TYPES

SECTION 96.001 - GENERAL DESCRIPTION OF EXTRACTIVE USE TYPES

Extractive use types include the on-site production of mineral products or geothermal resources by extractive methods. They also include certain uses accessory to the above.

SECTION 96.002 - MINERAL EXTRACTION

The Mineral Extraction use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and non-metallic minerals, oil or gas together with essential on-site processing and production of only non-metallic mineral products. Typical places are barrow pits, oil and gas drilling rigs or concrete batch plants.

SECTION 96.003 - MINERAL EXPLORATION

The Mineral Exploration use type refers to the work of investigating a mineral deposit to determine by geological surveys, geophysical surveys, geochemical surveys, bore holes, pits and underground workings it is feasible to mine. Exploration is undertaken to gain knowledge of the size, shape, position, characteristics, and value of the deposit.

ARTICLE 97 - NONCONFORMING USES

SECTION 97.001 - PURPOSE

The purpose of these regulations is to control, improve, or terminate uses which do not conform to the Land Development Code.

SECTION 97.002 - NONCONFORMING USE DEFINED

Nonconforming use includes any of the following which were lawfully established before the effective date of this Code:

A. A building, structure (including signs), land use, or activity which was established or is conducted in a manner which does not conform with one or more standards or permit requirements of this code.

B. A use of land established in a location where such use is not identified as allowable by this Code.

SECTION 97.003 - RIGHT TO CONTINUE NONCONFORMING USE

A nonconforming use established prior to the effective date of this Code, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained, except as otherwise provided by this chapter. Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

SECTION 97.004 - ISSUED BUILDING PERMIT

Nothing contained in this Code shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has been issued and for which substantial site work has been lawfully completed prior to the effective date of this Code.

SECTION 97.005 - NONCONFORMITY DUE TO LACK OF CONDITIONAL USE PERMIT

Any nonconforming use which is nonconforming only because of the absence of a conditional use permit shall be deemed a conforming use upon securing the approval of such permit.

SECTION 97.006 - NONCONFORMING USES OF LAND

Any nonconforming use of land may be continued as follows:

A. Expansion - The use may not be enlarged, increased, or extended to occupy a greater area of land then that occupied by such use on effective date of this Code.

B. Discontinued Use - If the nonconforming use of land is discontinued for a period of two (2) years or more, any following use is to be in conformity with all applicable requirements of this Code.

The use of a mobile home site for which all of the necessary utilities are in place may be resumed after a discontinuance of longer than two years subject to the granting of a Conditional Use Permit.

In the case of mineral and aggregate extraction sites, if the nonconforming commercial mining activity is discontinued for a period of five (5) to fifteen (15) years, a resumption of mining activity shall be subject to review by the Planning Director. The Planning Director shall approve the resumption of mining upon a finding that residential development in the area would not result in conflicts with mining. Nonconforming mining activities discontinued for a period of fifteen (15) years or longer shall be subject to review as provided by Articles 44 and 82.

C. Single Family Residential Use - A detached single family residence existing as a principal use may be continued as a residential use subject to Subsection B of this section, and may be altered, provided that no increase in the number of dwelling units, or increase greater than 25% in the usable floor area occurs. Any expansion pursuant to this standard is to be in accordance with all applicable provisions of this Code.

SECTION 97.007 - NONCONFORMING USES OF A CONFORMING BUILDING

The use of a building which is in conformity with the provisions of this Code for a nonconforming use may be continued as follows:

A. Extension of Use - The use may be extended throughout the building provided no structural alterations to the building are made except those required by law or ordinance.

B. Discontinued Use - If the nonconforming use of the building is discontinued for a period of one (1) year or more, any following use of the structure is to be in conformity with all applicable requirements of this Code.

SECTION 97.008 - NONCONFORMING STRUCTURES

Any structure which does not conform to the yard, height, or coverage requirements specified in this Code may continue to be used provided that:

A. Alterations and Expansions - The structure was established and has been maintained in a lawful manner and condition and is not altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinance.

B. Damaged or Destroyed Structures - If a nonconforming structure is damaged or destroyed by fire, explosion, or Act of God, the destroyed structure may be replaced with a structure of similar characteristics provided that the original yards are not reduced and the original heights or land coverages are not increased.

SECTION 97.009 - SUBSTITUTION OF USE

A nonconforming use may be replaced with another use even though the building or site does not meet the standards of this Code. However, such substitution is to occur only when the new use is designated as permitted for the zone in which the property is located.

A. The new use constitutes a conversion, as provided in Section 117.010.

B. Any modifications or alterations to the structure occur as provided by Section 117.008; and

C. Where a building or site does not conform with the parking standards of Article 68 of this Code, substitution shall not occur unless:

1. The new use is required to provide the same number of parking spaces as the existing use, in which case no additional parking is required; or

2. Where new use is required to have a greater number of spaces than the existing use, the number of spaces provided is to be the difference between those required for the new use and those required for the existing uses.

SECTION 97.010 - CONVERSION OF USE

Any nonconforming use may be changed to an allowable use provided that all applicable permit requirements and standards of this Code are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use shall not be resumed.

SECTION 97.011 - NONCONFORMING PARCELS OR LOTS OF RECORD

A. Legal Nonconforming Parcel and Lot Defined - Any parcel or lot having an area less than the smallest minimum lot size required or having a frontage, width, or depth less than the minimum prescribed by this Code or other ordinances, is a legal nonconforming parcel or lot if:

1. The parcel or lot is shown on a duly approved and recorded partition or subdivision map; or

2. The parcel or lot was created by means which were consistent with applicable legal requirements at the time it was created.

B. Use of Nonconforming Parcels or Lots - A legal nonconforming parcel or lot may be used as follows:

1. Allowable Uses - A legal nonconforming parcel or lot may be used for any use permitted by the zone in which it is located, subject to all applicable requirements of the zone.

2. Redivision - Any group of nonconforming parcels or lots may be redivided by partition or subdivision, provided that:

   a. Such division is in accordance with all applicable requirements of this Code.

   b. No parcel or lot is less than the minimum area required.

ARTICLE 98 - LOTS OF RECORD

SECTION 98.001 - PURPOSE

The purpose of this article is to allow single-family dwellings on lots of record as provided for in Sections 9 to 13, Chapter 884, Oregon Laws of 1981.

SECTION 98.002 - DEFINITIONS FOR ARTICLE 98

A. Contiguous - Lots, parcels or lots and parcels that have a common boundary. Contiguous does not include lots, parcels or lots and parcels separated by a road.

B. Lot and Parcel - These terms have meanings given in Article 9 of this Code.

C. Lot of Record - A lot or parcel in the unincorporated area of Klamath County which is outside of any flood plain or geological hazard area designated by the Comprehensive Plan or outside of any area designated for urban, industrial, commercial or exclusive farm use which was lawfully created by or transferred to the present owner by a deed or sales contract executed after January 1, 1948, and before January 1, 1975.

SECTION 98.003 - QUALIFICATIONS

Except as provided below, and any other provision of this Code notwithstanding, if at the time a person acquired a lot of record, establishment of a single-family dwelling was a permitted use on that lot of record, Klamath County shall not deny that person a permit for a single-family dwelling, as a result of zoning, rezoning, adopting or overriding the Comprehensive Plan or changing the text of the Land Development Code. Such dwellings must comply with any special siting standards required by the zone in which they are located.

A. Notwithstanding paragraph "C" of Section 18.002, only one lot of record exists when:

1. A lot or parcel that is within the definition of a "lot of record" is contiguous to one or more lots or parcels that are within the definition of a "lot of record;" and

2. Those contiguous lots or parcels are owned or being purchased by the same person, spouses, or a single partnership or business entity, separately or in tenancy in common.

3. When the interests described in Paragraph 2 above are held by spouses, this section applies only to those contiguous lots, parcels, or lots and parcels in which one spouse held the interests before transfer to another spouse.

B. A building permit for a single-family dwelling shall not be approved for any portion of a lot of record that has been assessed for five or more years based on valuation at true cash value for farm use or at true cash value for forest use unless:

1. This Code authorizes a single-family dwelling as a permitted or conditional use, in which case the usual provisions of this Code shall be followed; or

2. The lot is within an acknowledged Urban Growth Boundary or an area other than a forestry zone established pursuant to Goal 4 or an agricultural zone established pursuant to ORS 215.203.

SECTION 98.004 - PROCEDURE

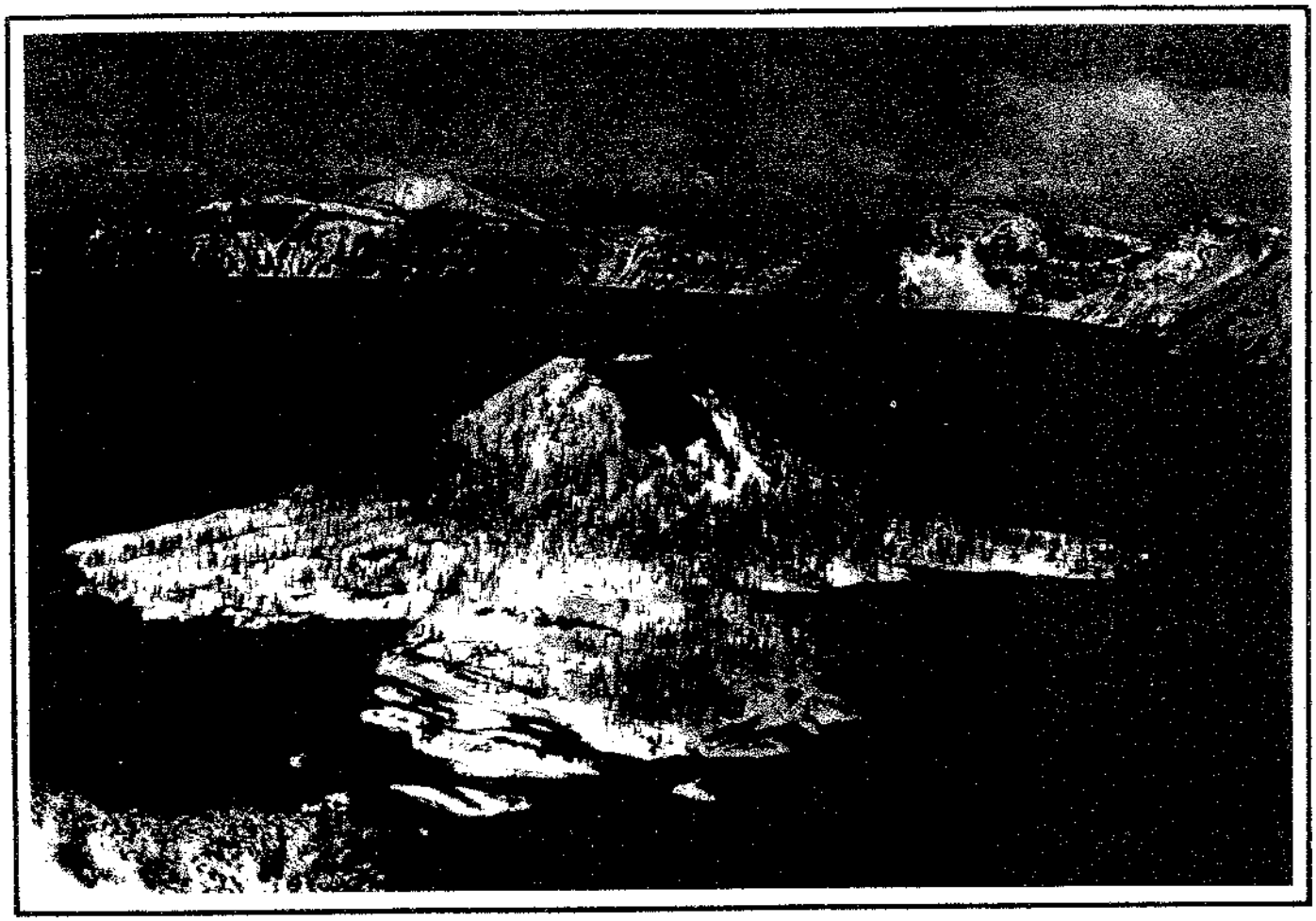
An application for a building permit on a lot of record shall be subject to the Planning Director Review Procedure. The application shall be on forms provided by the Planning Department and shall contain sufficient information for the Director to make a determination that the property qualifies for a building permit under the provisions of this Article.

KLAMATH COUNTY

LAND DEVELOPMENT CODE

NOV. 25, 1981

LAND DEVELOPMENT CODE



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

ADOPTED: NOV. 25, 1981

TABLE OF CONTENTS

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 10 - ENACTMENT

SECTION 10.001 - TITLE

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

SECTION 10.002 - PURPOSE

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

A. To implement the Klamath County Comprehensive Plan and to guide and manage the future growth of the County in accordance with that plan;

B. To promote and to protect the public health, safety, and general welfare of the citizens of Klamath County;

C. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the County;

D. To assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land.

SECTION 10.003 - AUTHORITY

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

SECTION 10.004 - REPLACEMENT OF OTHER ORDINANCES

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

SECTION 10.005 - REPEALER

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

ARTICLE 11 - DEFINITIONS

SECTION 11.001 - PURPOSE

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

SECTION 11.002 - DEFINITIONS INCLUDED BY REFERENCE

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

A. Oregon Revised Statutes
Chapter 197 - Comprehensive Planning Coordination; Planning Districts.

B. Oregon Revised Statutes
Chapter 215 - County Planning; Zoning; Housing Codes

C. Oregon Revised Statutes
Chapter 92 - Subdivisions and Partitions

"A"

ABUT OR ABUTTING - the same as adjoining.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AREA - The net area, unless otherwise specified.

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

A. Public alleys, highways or streets, unless otherwise provided herein; or

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

ARTERIAL - A street which provides access between large areas.

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

ASSESSOR - The County Assessor of Klamath County.

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

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

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

"B"

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

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

BLOCK - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

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

BOARD - The Board of County Commissioners of Klamath County.

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

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

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

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

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

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

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

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

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

"C"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCERT - A public performance of several musical compositions.

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

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

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

CONVALESCENT HOME - The same as rest home.

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

COUNTY - The County of Klamath.

COUNTY CLERK - The County Clerk of Klamath County.

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

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

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

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

A. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

B. Land planted in orchards or other perennials prior to maturity; and

C. Any land consisting of woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.

"D"

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

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

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

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

DIRECTOR - The Planning Director of Klamath County.

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

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

DRIVEWAY - An access to required off-street parking.

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

DUPLEX - The same as dwelling, two-family.

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

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

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

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

"E"

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

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

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

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

"F"

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

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

FARM USE - The current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in Subsection (3) of ORS 215.203.

FEDERAL GOVERNMENT - The Government of the United States.

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

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

FISH HATCHERY - A place for hatching fish eggs.

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

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

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

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

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

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

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

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

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

FUTURE STREET PLAN - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

"G"

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

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

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

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

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

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

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

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

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

"H"

HALF STREET - A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

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

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

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

HEIGHT - See Building Height

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

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

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

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

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

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

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

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

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

"I"

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

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

"J"

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

"K"

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

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

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

"L"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"M"

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

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

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

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

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

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

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

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

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

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

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

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

"N"

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

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

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

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

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

NURSING HOME - The same as rest home.

"O"

OFFICIAL MAP - Any map adopted by the Board of Commissioners which has depicted thereon existing or proposed street or highway location and designation, land use, zoning, building and setback lines, house numbering and such other information pertaining to the development of land, a copy of which is on file in the office of the County Clerk, County Engineer and Planning Director.

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

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

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

"P"

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING DIRECTOR - The Planning Director of Klamath County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Q"

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

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

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

"R"

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

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

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

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

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

REVERSED CORNER LOT - A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

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

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

A. Road: A public or private way which is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egreys in conjunction with the use of such land for forestry, mining or agricultural purposes. As defined here, the use of land for a forestry, mining, or agricultural purpose means the primary, but not the casual or incidental use of land for this purpose.

B. Public Road: Public road shall mean (a) Any road officially established for the use of the public by the Board of Commissioners under procedures authorized in the Oregon Revised Statutes; (b) Any road established by a good and sufficient deed, properly executed forever dedicating the land and granting such public road easement, which deed has been, or is, accepted by the Board of Commissioners and placed on record; or (c) Any road dedicated to the use of the public for road purposes by a final plat of a subdivision, which has been approved and accepted by the Board of Commissioners and placed on record.

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

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

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

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

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

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

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

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

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

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

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

"S"

SANITARIUM AND SANATORIUM - The same as a hospital.

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

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

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

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

SIDEWALK - A pedestrian walkway with a permanent surface.

SIGN, ACCESSORY - Any sign other than outdoor advertising.

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

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

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

SOLAR -

A. Solar heating hours: Those hours between 3 hours before and 3 hours after the sun is at its highest point above the horizon on December 21.

B. Collector surface: Any part of a solar collector that transmits incident solar radiation for passive solar space heating or absorbs incident solar radiation for use in collector's energy transformation.

C. Incident solar radiation: Solar energy falling upon a given surface area.

D. Minimum solar collector energy contribution standards: The minimum for solar domestic or pool water heating shall be 50 percent and for solar space heating 20 percent during solar heating hours. The governing body shall approve the minimum for other particular uses.

E. Shaded: A solar collector is deemed shaded if vegetation or structures block the incident solar radiation that would otherwise reach its collector surface furing solar heating hours.

F. Solar structure: A structure which has passive solar design or active solar collection devices which meet minimum solar energy contribution standards.

G. Passive solar space heating: Heating of the interior of a structure by a direct, indirect or isolated gain system consisting of glazing and thermal mass which stores energy and releases energy within the structure by radiation, conduction, and/or natural convection.

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

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

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

A. Environmentally Hazardous Wastes as defined in Section 1, Chapter 699, Oregon Laws 1971.

B. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

STATE - The State of Oregon.

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

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

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

STREET PLUG OR RESERVE STRIP - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which lands shall be placed within the jurisdiction of the Board of Commissioners for disposal under conditions approved by the Planning Commission.

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

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

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

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

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

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

"U"

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

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

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

"V"

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

"W"

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

"Y"

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

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

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

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

"Z"

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

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

ARTICLE 12 - ADMINISTRATION

SECTION 12.001 - SCOPE AND COMPLIANCE

A. Proposed Uses. The provisions of this Code are applicable to all lots, buildings, and structures and uses of land to be created, established, constructed or altered subsequent to the adoption of this Code unless specifically exempted by this section.

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

SECTION 12.002 - CONSISTENCY WITH PLANS AND LAWS

A. Actions initiated under this Code shall be consistent with the adopted Klamath County Comprehensive Plan and with applicable county, state, and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

B. Whenever reference is made to any portion of this Code, or of any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

C. If any provisions or portions of any provisions of this Code, or the application thereof to any property or person is held invalid, the remainder of the Code and the application of such provision to other persons or lands shall not be affected.

D. The rights granted by any variance, conditional use permit, temporary use permit, or building permit pursuant to any ordinances repealed by this Code shall not be affected by such repeal, however, such permit or approval shall be contained or maintained in accordance with the provisions of this Code.

E. Any use established or conducted, or any building or structure existing in violation of any duly enacted ordinance upon the effective date of this Code, shall not be deemed to have acquired status of rights of a non-conforming classification by reason of the adoption of this Code or any provisions thereof. To the extent that such use, building or structure was in violation of such ordinance, statute or law, or in violation of this Code, such shall be deemed a continuing violation.

SECTION 12.003 - OFFICIAL ZONING MAPS

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

SECTION 12.004 - UNCERTAINTIES OF ZONE BOUNDARIES

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

A. Where boundaries are indicated as approximately following lot lines, rights-of-way of highways, streets, alleys, roads, canals, railroads, or contours and the like, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property where a zone boundary divides a lot or parcel of land, the location of such boundary which is not indicated by dimension or legal description shall be determined by the Planning Director.

C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street, or alley shall have applied thereto the same zone as that of the property to which it reverts. Existing or functioning highway and road right-of-ways and areas used primarily for automobile and truck transportation shall be deemed to permit the continued use as such, as well as other uses supportive of the primary use.

D. Railroad rights-of-way and areas used solely for the purpose of accommodating tracks, signals and other operative devices and the movement or rolling stock shall be deemed to be zoned to permit the continued use as such, as well as other uses supportive of the primary use.

E. Easements or land areas used solely for electric power lines and poles, telephone lines and poles and gas transmission lines shall be deemed to be zoned to permit the continued use as such.

F. Upon application, all contiguous lands under one ownership and used as of the effective date of the Code in conjunction with a higher use shall be zoned with the higher use. The application shall be reviewed by the Planning Commission as a zone correction per Section 48.004B of this Code.

SECTION 12.005 - FEES REQUIRED

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

SECTION 12.006 - RULES OF INTERPRETATION

A. Effect of Provisions

1. Minimum Requirements - The regulations and standards set forth in this Code are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Code.

2. Effect Upon Private Agreements - It is not intended that these regulations are to interfere with or abrogate or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land that are imposed or required by other ordinances, rules, or regulations, these regulations shall control.

B. Language

1. Construction - When used in this Code, the words "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular.

2. Time of Day - Whenever a certain hour or time of day is specified in this Code, or any permit, condition of approval or notice issued or given as set forth in this Code, such hour shall be standard time or daylight savings time, whichever is in current use in the County.

3. Number of Days - Whenever a number of days is specified in this Code, or in any permit, condition of approval or notice issued or given as set forth in this Code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.

4. Rounding of Quantities - Whenever this Code requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development or the physical environment expressed in numerical quantities

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

5. Gender - Whenever this Code refers to the male sex, e.g. "he," "him," or "his," it shall be interpreted to include the female form of the pronoun.

C. Procedure of Interpretation - If questions arise from persons or bodies charged with administering this Code concerning the content or application of the text of the Land Development Code, it is the duty of the Klamath County Legal Counsel to ascertain all pertinent facts, and make a determination, within a reasonable time frame.

ARTICLE 14 - ENFORCEMENT

SECTION 14.001 - PURPOSE

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

SECTION 14.002 - ENFORCEMENT RESPONSIBILITY

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

A. County Sheriff - It is the duty of the County Sheriff and of all officers of the County otherwise charged by law to enforce this Code and all its provisions.

B. Code Enforcement Officers - The Planning Director, Public Works Director, Building Official or their designee are to act as the Code Enforcement Officer, to enforce this Code and Building Department Ordinances, and all their provisions. The Code Enforcement Officer has the following responsibilities and powers in the enforcement of this title.

1. To review with affected individuals the provisions of applicable County Ordinances through initiaion of administrative hearings and other methods to support voluntary compliance with its provisions.

2. To issue citations for violations of applicable ordinances.

3. To initiate all necessary proceedings to forfeit bond or cash deposits.

4. To initiate proceedings to revoke approvals granted under this Code or Building Department Ordinances.

SECTION 14.003 - CITATION

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

SECTION 14.004 - REVOCATION OF APPROVAL AND FORFEITURE OF BONDS

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

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

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

SECTION 14.005 - PROCEDURES

A. Alleged violators shall be notified in writing at least two times within 30 days prior to a citation for an enforcement hearing by certified mail, postage prepaid, return receipt requested to owner of affected property, etc.

B. The Code Enforcement Officer is to notify the violator by citation of intention to enforce or revoke at least ten (10) days prior to an Enforcement Hearing. Such citation is to contain the following:

1. The heading reading, "Notice of Enforcement Hearing."

2. A list of the provisions of this Code and/or conditions violated and the means to correct such violation (s), if any.

3. The date, time and place of the enforcement hearing.

4. The required penalties for non-compliance.

5. A requirement that the individual appear and show cause why the provisions of the ordinance should not be enforced.

C. The Code Enforcement Officer is to notify the person posting the bond or cash deposit of the intention to cause forfeiture of the bond or deposit at least twenty (20) days prior to a forfeiture hearing. Such notice is to contain the following:

1. The heading reading, "Notice of Forfeiture Hearing."

2. The reasons for seeking forfeiture and the remedial action required by the person posting the bond or deposit.

3. The date, time, and place of the forfeiture hearing.

4. The required penalties for non-compliance.

SECTION 14.006 - ENFORCEMENT HEARINGS

Hearings conducted for the purpose of Code Enforcement, revocation

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

A. Hearing Body - Hearings to be held before the Klamath County Hearing Officer.

B. Conduct of Hearing - The Hearing Officer is to conduct an Enforcement Heaing as follows:

1. The Hearing Officer is to hear sworn testimony and consider other evidence concerning the conditions constituting cause to enforce this Code, or Building Department Ordinances, revoke approval or forfeit bond.

2. Respondents to enforcement actions may be present at such hearing, may be represented by a person of his choice and may present testimony.

3. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.

4. The Hearings Officer shall deliberate upon the evidence and make findings to support any action which the Hearings Officer is empowered to take by this Ordinance, including, but not limited to enforcement of this Code and other applicable Ordinances by issuing cease and desist orders, revoking approvals or granting bond forfeitures. Thereafter, the Hearings Officer shall issue his order to the respondent.

SECTION 14.007 - SERVICE OF CITATION

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

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

B. A copy of the notice is to be recorded in the office of the County Recorder of Klamath County.

SECTION 14.008 - RELEASE OF CITATION

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

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

SECTION 14.009 - INTERFERENCE PROHIBITED

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

SECTION 14.010 - APPEALS

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

SECTION 14.011 - PROHIBITIONS

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

SECTION 14.012 - PENALTIES

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

SECTION 14.013 - CIVIL RELIEF

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